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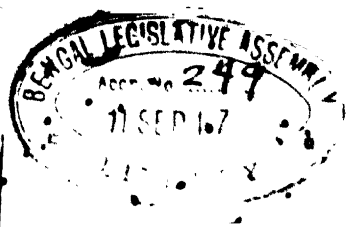

Assembly Proceedings

Official Report

Bengal Legislative Assembly

Sixth Session, 1939

27th, 28th, 29th and 30th November and
1st December, 1939

Superintendent, Government Printing
Bengal Government Press, Alipore, Bengal
1939

GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency SIR JOHN ARTHUR HERBERT, G.C.I.E.

MEMBERS OF THE COUNCIL OF MINISTERS.

(1) The Hon'ble Mr. ABUL KASEM FAZLUL HUQ, in charge of the Education Department.

(2) The Hon'ble Mr. NALINI RANJAN SARKER, in charge of the Finance Department.

(3) The Hon'ble Khwaja Sir NAZIMUDDIN, K.C.I.E., in charge of the Home Department.

(4) The Hon'ble Sir BIJOY PRASAD SINGH ROY, in charge of the Revenue Department.

(5) The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca, in charge of Local Self-Government and Industries Departments.

(6) The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar, in charge of Communications and Works Department.

(7) The Hon'ble Mr. HUSEYAN SHAHEED SUHRAWARDY, in charge of Commerce and Labour and Rural Reconstruction Departments.

(8) The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur, in charge of the Judicial and Legislative Departments.

(9) The Hon'ble Mr. PRASANNA DEB RAIKUT, in charge of the Forests and Excise Departments.

(10) The Hon'ble Mr. MUKUNDA BEHARY MULLICK, in charge of the Co-operative Credit and Rural Indebtedness Departments.

(11) The Hon'ble Mr. TAMIZUDDIN KHAN, in charge of Public Health, Medical, Agriculture and Veterinary Departments.

GOVERNMENT OF BENGAL.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE ASSEMBLY.

SPEAKER.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.

DEPUTY SPEAKER.

M. ASHRAFALI, Esq., Barrister-at-law.

SECRETARY.

K. ALI AFZAL, Esq., Barrister-at-law.

FIRST ASSISTANT SECRETARY.

Rai N. N. SEN GUPTA Bahadur.

SECOND ASSISTANT SECRETARY.

Khan Sahib QUAZI MUHAMMAD SADIUD DIN.

REGISTRAR.

K. C. GHOSH, Esq.

BENGAL LEGISLATIVE ASSEMBLY

ALPHABETICAL LIST OF MEMBERS.

A

Abdul Aziz, Maulana Md. [Narayanganj East (Muhammadan).]

Abdul Hafiz, Mr. Mirza. [Tangail West (Muhammadan).]

Abdul Hafiz Mia, Mr. [Kurigram South (Muhammadan).]

Abdul Hakeem, Mr. [Khulna (Muhammadan).]

Abdul Hakim, Maulvi. [Mymensingh West (Muhammadan).]

Abdul Hakim Vikrampuri, Maulvi Md. [Munshiganj (Muhammadan).]

Abdul Hamid, Mr. A. M. [Pabna West (Muhammadan).]

Abdul Hamid Shah, Maulvi. [Kishoreganj North (Muhammadan).]

Abdul Jabbar, Maulvi. [Dinajpur Central East (Muhammadan).]

Abdul Jabbar Palwan, Mr. Md. [Jamalpur North (Muhammadan).]

Abdul Kader, Mr. [Patuakhali South (Muhammadan).]

Abdul Karim, Mr. [Jamalpur *cum* Muktagacha (Muhammadan).]

Abdul Latif Biswas, Maulvi. [Manikganj West (Muhammadan).]

Abdul Majid, Maulvi. [Mymensingh North (Muhammadan).]

Abdul Majid, Mr. Syed. [Noakhali South (Muhammadan).]

Abdul Wahab Khan, Mr. [Bakarganj West (Muhammadan).]

Abdul Wahed, Maulvi. [Mymensingh East (Muhammadan).]

Abdulla-Al Mahmood, Mr. [Serajganj North (Muhammadan).]

Abdur Rahman, Khan Bahadur, A. F. M. [24-Parganas North-East (Muhammadan).]

Abdur Rahman Siddiqi, Mr. (Muslim Chamber of Commerce.)

Abdur Rasheed, Maulvi Md. [Birbhum (Muhammadan).]

Abdur Raschid Mahmood, Mr. [Serajganj North (Muhammadan).]

Abdur Rauf, Khan Sahib Maulvi S. [Howrah (Muhammadan).]

Abdur Rauf, Khan Bahadur Shah. [Rangpur South (Muhammadan).]

Abdur Razzak, Maulvi. [Feni (Muhammadan).]

Abdus Shaheed, Maulvi Md. [Dacca North Central (Muhammadan).]

Abidur Reza Chowdhury, Khan Bahadur Maulvi. [Chandpur West (Muhammadan).]

Abu Hossain Sarkar, Maulvi. [Gaibandha North (Muhammadan).]

Abul Fazl, Mr. Muhammad [Madaripur West (Muhammadan).]

Abul Hashim, Maulvi. [Burdwan (Muhammadan).]

Abul Hosain Ahmed, Mr. [Netrokona North (Muhammadan).]

Abul Quasem, Maulvi. [Hooghly (Muhammadan).]

Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh. (Dacca Landholders.)

Aftab Ali, Mr. (Water Transport Trade Union.)

Aftab Hossain Joardar, Maulvi. [Nadia East (Muhammadan).]

Ahmed Ali Enayetpuri, Khan Bahadur Maulana. [Jhenidah (Muhammadan).]

Ahmed Ali Mridha, Maulvi. [Goalundo (Muhammadan).]

Ahmed Hosain, Mr. [Gaibandha South (Muhammadan).]

Ahmed Khan, Mr. Syed. [Noakhali South (Muhammadan.)]

Alfazuddin Ahmed, Khan Bahadur Maulvi. [Midnapore (Muhammadan).]

Aminullah, Khan Sahib Maulvi. [Noakhali Central (Muhammadan).]

Amir Ali Mia, Maulvi Md. [Rajshahi South (Muhammadan).]

Anwarul Azim, Khan Bahadur Md. [Chittagong South (Muhammadan).]

Ashraf Ali, Mr. M. [Nator (Muhammadan).]

Asimuddin Ahmed, Mr. [Tippera Central (Muhammadan).]

Aulad Hossain Khan, Maulvi. [Manikganj East (Muhammadan).]

Azhar Ali, Maulvi. [Pabna East (Muhammadan).]

Azizul Haque, the Hon'ble Khan Bahadur M., C.I.E. [Nadia West (Muhammadan).]

B

Baperjee, Dr. Suresh Chandra. [Calcutta and Suburbs (Registered Factories).]

Banerji, Mr. P. [24-Parganas North-West (General).]

Banerjee, Mr. Pramatha Nath. [Burdwan North-West (General).]

Banerjee, Mr. Sibnath. [Howrah (Registered Factories).]

Banerji, Mr. Satya Priya. [Rajshahi (General).]

Barat, Ali, Mr. Mohammad. [Serajganj Central (Muhammadan).]
Barma, Babu Premhari. [Dinajpur (General).]
Barma, Mr. Puspajit. [Rangpur (General).]
Barman, Babu Shyama Prosad. [Dinajpur (General).]
Barman, Babu Upendra Nath. [Jalpaiguri *cum* Siliguri (General).]
Basu, Mr. Satindra Nath. [Calcutta North (General).]
Basu, Mr. Santosh Kumar. [Calcutta East (General).]
Bell-Hart, Miss P. B. (Anglo-Indian Constituency.)
Bhowmik, Dr. Gobinda Chandra. [Midnapore East (General).]
Birkmyre, Sir Henry, Bart. [Hooghly *cum* Howrah (European).]
Biswas, Babu Lakshmi Narayan. [Nadia (General).]
Biswas, Mr. Rasik Lal. [Jessore (General).]
Biswas, Mr. Surendra Nath. [Faridpur (General).]
Blomenstok, Mr. L. M. (Bengal Chamber of Commerce.)
Bose, Mr. Sarat Chandra. [Calcutta South (General).]
Brasher, Mr. F. C. [Calcutta and Suburbs (European).]
Brown, Mr. A. O. [Calcutta and Suburbs (European).]

C

Chakrabarty, Mr. Jatindra Nath. [Rangpur (General).]
Chakrabarty, Babu Narendra Narayan. [Bogra *cum* Pabna (General).]
Chattopadhyay, Mr. Haripada. [Nadia (General).]
Chaudhuri, Rai Harendra Nath. [24-Parganas Municipal (General).]
Chippendale, Mr. J. W. (Anglo-Indian.)
Clark, Mr. I. A. [Burdwan Division (European).]

D

Das, Mr. Mahim Chandra. [Chittagong (General).]
Das, Babu Radha Nath. [Hooghly North-East (General).]
Das, Mr. Anukul Chandra. [24-Parganas North-West (General).]
Das, Rai Sahib Kirit Bhusan. [Murshidabad (General).]
Das, Mr. Monomohan. [Mymensingh East (General).]
Dass, Babu Debendra Nath. [Birbhum (General).]
Das Gupta, Mr. Khagendra Nath. [Jalpaiguri *cum* Siliguri (General).]

Das Gupta, Dr. J. M. [Calcutta Central (General).]
Das Gupta, Srijut Narendra Nath. [Bakarganj South-West (General).]
Datta, Mr. Dhirendra Nath. [Tippera (General).]
Dom, Mr. Harendra Nath. [Jhargram *cum* Ghatal (General).]
Dutt, Mr. Sukumar. [Hooghly South-West (General).]
Dutta Gupta, Miss Mira. [Calcutta General (Women).]
Dutta Mazumdar, Mr. Niharendu. [Barrackpore (Registered Factories).]

E

Edbar, Mr. Upendranath. [Bakarganj South-West (General).]
Emdadul Haque, Kazi. [Kurigram North (Muhammadan).]

F

Farhad Raza Chowdhury, Mr. M. [Jangipur (Muhammadan).]
Farhat Bano Khanam, Begum. [Dacca (Muhammadan) Women.]
Fazlul Huq, the Hon'ble Mr. A. K. [Patuakhali North (Muhammadan).]
Fazlul Qadir, Khan Bahadur Maulvi. [Chittagong North-West (Muhammadan).]
Fazlur Rahman, Mr. [Jamalpur East (Muhammadan).]
Fazlur Rahman, Mr. (Dacca University.)
French, Mr. F. H. (Bengal Chamber of Commerce.)

G

Ganguly, Mr. Pratul Chandra. [East Bengal Municipal (General).]
Ghose, Mr. Atul Krishna. [Jessore (General).]
Giasuddin Ahmed, Mr. [Jamalpur West (Muhammadan).]
Golam Sarwar Hosaini, Mr. Shah Syed. [Ramganj *cum* Raipur (Muhammadan).]
Gomes, Mr. S. A. [Dacca Division (Indian Christian).]
Goswami, Mr. Tulsi Chandra. [Burdwan Division North Municipal (General).]
Griffiths, Mr. C. (Anglo-Indian.)

Gupta, Mr. Jogesh Chandra. [Calcutta South Central (General).]

Gupta, Mr. J. N. [Railway Trade Union (Labour).]

Gurung, Mr. Damber Singh. [Darjeeling (General).]

Gyasuddin Ahmed Choudhury, Al-Hadj. [Madaripur East (Muhammadan).]

H

Habibullah, the Hon'ble Nawab Bahadur K., of Dacca. [Dacca Municipal (Muhammadan).]

Hafizuddin Choudhuri, Maulvi. [Thakurgaon (Muhammadan).]

Hamiduddin Ahmad, Khan Sahib. [Kishoreganj East (Muhammadan).]

Hamilton, Mr. K. A. (Calcutta Trades Association.)

Hasan Ali Chowdhury, Mr. Syed. [Tangail North (Muhammadan).]

Hasanuzzaman, Maulvi Md. [Tippera South (Muhammadan).]

Hashem Ali Khan, Khan Bahadur Maulvi. [Bakarganj North (Muhammadan).]

Hasina Murshed, M.B.E., Mrs. [Calcutta (Muhammadan) Women.]

Hatemally Jamadar, Khan Sahib Maulvi. [Pirojpur South (Muhammadan).]

Hawkings, Mr. R. J. [Calcutta and Suburbs (European).]

Hendry, Mr. David. (Bengal Chamber of Commerce.)

Hirtzel, Mr. M. A. F. (Bengal Chamber of Commerce.)

I

Idris Ahmed Mia, Mr. [Malda South (Muhammadan).]

Ispahani, Mr. M. A. H. [Calcutta South (Muhammadan).]

Jalaluddin Ahmad, Khan Bahadur Maulvi. [Cox's Bazar (Muhammadan).]

Jalaluddin Hashemy, Mr. Syed. [Satkhira (Muhammadan).]

Jalan, Mr. I. D. [Calcutta West (General).]

Jasimuddin Ahmed, Mr. [24-Parganas South (Muhammadan).]

Jopab Ali Majumdar, Maulvi. [Chandpur East (Muhammadan).]

K

Kabiruddin Khan, Khan Bahadur Maulvi [Netrokona South (Muhammadan).]

Kazem Ali Mirza, Sahibzada Kawan Jah Syed. [Murshidabad South-West (Muhammadan).]

Kennedy, Mr. I. G. (Indian Jute Mills Association.)

Khaitan, Mr. Debi Prosad. (Indian Chamber of Commerce.)

Khan, Mr. Debendra Lall. [Midnapore Central (General).]

Kumar, Mr. Atul Chandra. [Malda (General).]

Kundu, Mr. Nishitha Nath [Dinajpur (General).]

M

MacGregor, Mr. G. G. (Indian Tea Association.)

Mafizuddin Ahmed, Dr. [Bogra North (Muhammadan).]

Mafizuddin Ahmed, Maulvi. [Tippera North (Muhammadan).]

Mafizuddin Choudhury, Maulvi. [Balurghat (Muhammadan).]

Maguire, Mr. L. T. (Anglo-Indian.)

Mahatab, Maharajkumar Uday Chand. [Burdwan Central (General).]

Mahtabuddin Ahmed, Khan Bahadur Maulvi. [Dinajpur Central West (Muhammadan).]

Maiti, Mr. Nikunja Behari. [Midnapore South-East (General).]

Maitra, Mr. Surendra Mohan. [North Bengal Municipal (General).]

Maji, Mr. Adwaita Kumar. [Burdwan Central (General).]

Majumdar, Mrs. Hemaprova. [Dacca (General) Women.]

Mal, Mr. Iswar Chandra. [Midnapore South-West (General).]

Mandal, Mr. Amrita Lal. [Mymensingh West (General).]

Mandal, Mr. Banku Behari. [Burdwan North-West (General).]

Mandal, Mr. Birat Chandra [Faridpur (General).]

Mandal, Mr. Jagat Chandra. [Tippera (General).]

Mandal, Mr. Jogendra Nath. [Bakarganj North-East (General).]

Mandal, Mr. Krishna Prasad. [Midnapore Central (General).]

Maniruddin Akhand, Maulvi. [Rajshahi North (Muhammadan).]

Maniruzzaman Islamabadi, Maulana Md. [Chittagong South Central (Muhammadan).]

Maqbul Hosain, Mr. [Tippera North-East (Muhammadan).]

Marindin, Mr. F. J. [Chittagong Division (European).]

Masud Ali Khan Panni, Maulvi. [Tangail South (Muhammadan).]

Miles, Mr. C. W. (Indian Tea Association.)

Millar, Mr. C. [Calcutta and Suburbs (European).]

Mohammed Ali, Khan Bahadur. [Bogra West (Muhammadan).]

Mohsin Ali, Mr. Md. [Meherpur (Muhammadan).]

Mookerjee, Dr. Syamaprasad. (Calcutta University.)

Morgan, Mr. G., C.I.E. [Presidency Division (European).]

Moslem Ali Mollah, Maulvi. [Rajshahi Central (Muhammadan).]

Mozammel Huq, Maulvi Md. [Bhola North (Muhammadan).]

Muhammad Afzal, Khan Sahib Maulvi Syed. [Pirojpur North (Muhammadan).]

Muhammad Ibrahim, Maulvi. [Noakhali North (Muhammadan).]

Muhammad Ishaque, Maulvi. [Bogra South (Muhammadan).]

Muhammad Israil, Maulvi. [Kishoreganj South (Muhammadan).]

Muhammad Siddique, Khan Bahadur Dr. Syed. [Bankura (Muhammadan).]

Muhammad Solaiman, Khan Sahib Maulvi. [Barrackpore Municipal (Muhammadan).]

Mukerji, Mr. Dhirendra Narayan (Hooghly North-East.)

Mukherjee, Mr. B. [Colliery (Coal Mines) (Labour).]

Mukherji, Dr. H. C. [Calcutta *cum* Presidency Division (Indian Christian).]

Mukherji, Dr. Sharat Chandra. [Birbhum (General).]

Mullick, the Hon'ble Mr. Mukunda Behari. [Khulna (General).]

Mullick, Mr. Pulin Behary. [Howrah (General).]

Mullick, Srijut Ashutosh. [Bankura West (General).]

Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur. [Jalpaiguri *cum* Darjeeling (Muhammadan).]

Mustagaysal Haque, Mr. Syed. [Bagerhat (Muhammadan).]

Mustafa Ali Dewan, Maulvi. [Brahmanbaria North (Muhammadan).]

N

Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar, (Presidency Landholders.)

Nasarullah, Nawabzada K., Parliamentary Secretary. [Brahmanbaria South (Muhammadan).]

Nasker, Mr. Hem Chandra. [24-Parganas South-East (General).]

Nausher Ali, Mr. Syed. [Jessore Sadar (Muhammadan).]

Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E. [Calcutta North (Muhammadan).]

Nooruddin, Mr. K. [Hooghly *cum* Howrah Municipal (Muhammadan).]

Norton, Mr. H. R. (Calcutta Trades Association.)

P

Pain, Mr. Barada Prosanna. [Hooghly *cum* Howrah Municipal (General).]

Patton, Mr. W. C. [Darjeeling (European).]

Paul, Sir Hari Sankar. (Bengal National Chamber of Commerce.)

Pramanik, Mr. Tarinicharan. [Malda (General).]

R

Rahman, Khan Bahadur A. M. L. [Rajshahi Central (Muhammadan).]

Raikut, the Hon'ble Mr. Prasanna Deb. [Jalpaiguri *cum* Siliguri (General).]

Rajibuddin Tarafdar, Maulvi. [Bogra East (Muhammadan).]

Ramizuddin Ahmed, Mr. [Tippera West (Muhammadan).]

Ray Choudhury, Mr. Birendra Kishore. [Mymensingh East (General).]

Razaur Rahman Khan, Mr. [Dacca South Central (Muhammadan).]

Roy, Mr. Patiram. [Khulna (General).]

Roy, the Hon'ble Sir Bijoy Prasad Singh. (Burdwan Landholders.)

Roy, Kumar Shib Shekhareswar. (Rajshahi Landholders.)

Roy, Mr. Charu Chandra. [Mymensingh West (General).]

Roy, Mr. Dhananjoy. [Dacca East (General).]

Roy, Mr. Kamalkrishna. [Bankura East (General).]

Roy, Mr. Kiran Sankar. [Dacca West (General).]

Roy, Mr. Kishori Pati. [Jhargram *cum* Ghatal (General).]

Roy, Rai Bahadur Kshirod Chandra. (Chittagong Landholders.)

Roy, Mr. Manmatha Nath. [Howrah (General).].

S

Sadaruddin Ahmed, Mr. [Bakarganj South (Muhammadan).]
Safiruddin Ahmed, Haji. [Rangpur North (Muhammadan).]
Saheb Alam, Mr. Syed. [Dacca Central (Muhammadan).]
Salim, Mr. S. A. [Narayanganj North (Muhammadan).]
Sanaullah, Dr. [Chittagong North-East (Muhammadan).]
Sanyal, Dr. Nalinaksha. [Presidency Division Municipal (General).]
Sanyal, Mr. Sasanka Sekhar. [Murshidabad (General).]
Sarker, Babu Madhusudan. [Bogra *cum* Pabna (General).]
Sarker, the Hon'ble Mr. Nalini Ranjan. (Bengal National Chamber of Commerce.)
Sassoon, Mr. R. M. (Bengal Chamber of Commerce.)
Sen, Mr. Atul Chandra. [Dacca East (General).]
Sen, Babu Nagendra Nath. [Khulna (General).]
Sen, Rai Bahadur Jogesh Chandra. [24-Parganas South-East (General).]
Serajul Islam, Mr. [Bongaon (Muhammadan).]
Shahabuddin, Mr. Khwaja, C.B.E., Parliamentary Secretary. [Narayanganj South (Muhammadan).]
Shahedali, Mr. [Matlabbazar (Muhammadan).]
Shamsuddin Ahmed, Mr. [Kusthia (Muhammadan).]
Shamsuddin Ahmed Khandkar, Mr. [Gopalganj (Muhammadan).]
Shamsul Huda, Maulana. [Mymensingh South (Muhammadan).]
Singha, Babu Kshetra Nath. [Rangpur (General).]
Sinha, Srijut Manindra Bhusan. [Bankura West (General).]
Sirdar, Babu Litta Munda. [Bengal Dooars (Western) Tea Garden Labour.]
Smith, Mr. H. Brabant. [Rajshahi Division (European).]
Steven, Mr. J. W. R. [Dacca (European).]
Suhrawardy, the Hon'ble Mr. H. S. [24-Parganas Municipal (Muhammadan).]
Sur, Mr. Harendra Kumar. [Noakhali (General).]

T

Tamizuddin Khan, the Hon'ble Mr. [Faridpur West (Muhammadan).]
Tapuriah, Rai Bahadur Moongtu Lall. (Marwari Association.)

Thakur, Mr. Profnatha Ranjan. [Faridpur (General).]
Tofel Ahmed Choudhury, Maulvi Haji. [Bhola South (Muhammadan).]

W

Waliur Rahman, Maulvi. [Jessore East (Muhammadan).]
Walker, Mr. W. A. M. (Indian Jute Mills Association.)
Warren, Mr. P. T. S. (Bengal Chamber of Commerce.)
Whitehead, Mr. R. R. (Indian Mining Association.)
Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

Y

Yusuf Ali Choudhury, Mr. [Faridpur East (Muhammadan).]
Yusuf Mirza. [24-Parganas Central (Muhammadan).]

Z

Zahur Ahmed Choudhury, Maulvi. [Malda North (Muhammadan).]
Zaman, Mr. A. M. A. [Hooghly *cum* Serampore (Registered Factories) Labour.]

THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

(Official Report of the Sixth Session.)

Volume LV—No. 1.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 27th November, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair 11 Hon'ble Ministers and 214 members.

Panel of Chairmen.

Mr. SPEAKER: In accordance with the provisions of rule 6 of the Bengal Legislative Assembly Procedure Rules, I nominate the following members of the Assembly to form a panel of four Chairmen for the ensuing session :—

(1) Mr. Sarat Chandra Bose,

(2) Mr. W. A. M. Walker,

(3) Mr. Razaur Rahman Khan,

(4) Miss Mira Dutta Gupta.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Assembly in my absence and in the absence of the Deputy Speaker.

Committee on Petitions.

Mr. SPEAKER: In accordance with the provisions of rule 82 of the Bengal Legislative Assembly Procedure Rules, I nominate the following seven members of the Assembly to form the Committee on Petitions with the Deputy Speaker as Chairman:—

(1) Mr. Jogesh Chandra Gupta,

(2) Mr. Syed Hasan Ali Chowdhury,

(3) Mr. A. M. Abdul Hamid,

(4) Mr. F. J. Marindin,

(5) Mr. Kshetra Nath Singha,

(6) Khan Sahib Maulvi Syed Muhammad Afzal, and

(7) Mr. Banku Behari Mandal.

Obituary reference.

Mr. SPEAKER: Ladies and gentlemen, before the proceedings of the day begin, it is my melancholy duty to refer to the deaths of Alhadj Nawab Bahadur Sir Abdel Karim Ghuznavi who died in Calcutta on the 24th July, 1939, of Mr. Abdul Bari, a sitting member who died on the 5th September last at his Calcutta residence and of Raja Bahadur Sashi Sekhareswar Roy of Tahirpur, Rajshahi, who died on the afternoon of the 9th September, 1939, at Baranagar.

At the death of the Alhadj Nawab Bahadur, Bengal and especially this Assembly has reason to remember his life's work; by his death we have lost one who was long prominent in the public affairs of Bengal and carried out the stewardship of life faithfully and well to the service of others. He was a man of outstanding ability and refined culture and for many years as a member of the Bengal Legislative Council, as a Minister and as a member of the Executive Council, he devoted himself with courage and conviction in tackling numerous measures to the permanent benefit of this province. He gave freely from his rich nature to his own generations and to generations to come an outlook of a very high order and we shall always remember him as a great son of Bengal. With his death is broken another link with a generation that gave India many outstanding men and women.

By the death of Mr. Abdul Bari, Bengal has been robbed of a zealous young Muslim who showed promise of being in the front line of politics. He was a rising lawyer and a member of the Coalition Party. The members of his own party and those of the Opposition were alike impressed by his great qualities of head and heart. The cruel hand of death has cut down in this instance the life of a rising young man.

The Raja Bahadur of Tahirpur belonged to a well known Brahman family and was reputed for his munificence. He was a member of the Bengal Legislative Council representing the District Boards, Rajshahi Division, from the 17th June, 1898, to the 16th June, 1900.

Ladies and gentlemen, our heart goes out in sincerest sympathy with their relatives and I am sure it will be the desire of the House to convey our message of condolence to the members of the bereaved families.

I ask you now, ladies and gentlemen, to signify your assent by rising in your places.

(Pause.)

(The members rose in their seats.)

Thank you, ladies and gentlemen, usual steps will be taken.

STARRED QUESTIONS

(to which oral answers were given)

Appointment of inhabitants of Jessore in Government services.

*1. **Mr. SERAJUL ISLAM:** Will the Hon'ble Minister in charge of the Finance Department be pleased to lay on the table a statement showing from April, 1937, to September, 1939—

(i) the number of appointments made in the various departments of Government on salaries ranging from Rs. 30 per month upwards from the inhabitants of Jessore (to be shown subdivision by subdivision and service by service); and

(ii) the number of such appointments that have gone to the Muslims?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): The information asked for by the hon'ble member is not readily available and I do not think that the value of the information when collected will justify the time and labour involved in collecting it.

Insolvency of Mia Abdul Hafiz, M.L.A.

*2. **Mr. JATINDRA NATH CHAKRABARTY:** (a) Is the Hon'ble Minister in charge of the Home Department aware—

(i) that Mia Abdul Hafiz, M.L.A., Kurigram South, Rangpur, has been adjudicated an insolvent by the District Judge of Rangpur;

(*ii*) that it was duly notified in the *Calcutta Gazette* of the 21st September, 1939, and,

(*iii*) that the said Mia Abdul Hafiz has drawn his salary as M.L.A. for the months of September and October, 1939?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason therefor?

(*c*) Will the Hon'ble Minister be pleased to state why the seat of the said Mia Abdul Hafiz has not yet been declared vacant?

MINISTER in charge of the HOME DEPARTMENT (The Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) and (*ii*) Yes.

(*iii*) Government have no information.

(*b*) Does not arise.

(*c*) The matter is still under consideration.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*) (*iii*), will the Hon'ble Minister be pleased to state if enquiries were made at the respective places, viz., the Accountant-General's office and the Assembly Department to ascertain the information?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is a matter to be dealt with by the Assembly Department and Government think that the information should be obtained by putting question to the proper department.

Dr. NALINAKSHA SANYAL: With reference to answer (*c*), will the Hon'ble Minister be pleased to state if the attention of the Government has been drawn to sections 68 and 69 of the Government of India Act? Section 69(*1*) (*c*) definitely mentions that a member becomes disqualified if he is an undischarged insolvent and section 68(3) (*b*) mentions that his seat shall thereupon become vacant. I want to know if the attention of the Government has been drawn to these sections of the Government of India Act, and if so, what further consideration Government is making in this connection?

Mr. SPEAKER: You are assuming that the Government is the authority?

Dr. NALINAKSHA SANYAL: My question was about answer (*c*) viz., the matter is still under consideration. I submit that there can be no question of the consideration of Government, because the Government of India Act provides for this contingency.

The Hon'ble Khwaja Sir NAZIMUDDIN: I think the question that has been put by the Speaker is an answer to anything that may be required. The matter may be considered as to who is to declare the seat to be vacant.

Khan Sahib HAMIDUDDIN AHMAD: Will the Hon'ble Minister be pleased to state whether the adjudication was made *ex-parte* and the case is awaiting a decision?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have no official information on that subject. All I know is that the thing was published in the *Calcutta Gazette*.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if any rules have been made as provided under section 68(*1*), which says "Rules made by the Governor exercising his individual judgment provide for the vacation by a person", and so on. Have any rules been made?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have said, the matter is still under consideration. The whole question about the declaration of a seat being vacant has arisen in connection with another file and the matter, as I have said, is rather complicated. We have not come to any final decision yet.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if this member is to be treated as a member of the House pending the consideration of Government?

Mr. SPEAKER: It is a question of opinion.

Dr. NALINAKSHA SANYAL: No; it is a question of fact, because we in this House may have a stranger amongst us if he happens to be here.

Khan Sahib HAMIDUDDIN AHMAD: Will the Hon'ble Minister be pleased to state whether the member concerned will be allowed to make a speech in this House?

Mr. SPEAKER: I might say that this is not a matter which is within his jurisdiction.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how long will the Government take to finish its consideration?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think it won't take very long. The matter is practically mature for final decision.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the same consideration would be exercised or extended to members of other parties also if they happen to be insolvents? (Laughter.).

Appointment of Scheduled Castes men in the Calcutta and the Bengal Police services.

***3. Babu RADHANATH DAS:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether Scheduled Castes candidates have been appointed in the Calcutta and Bengal Police services, since the beginning of the year 1938 to the end of February, 1939?

(*b*) If the answer to (*a*) is in the affirmative will the Hon'ble Minister be pleased to state—

(*i*) how many Scheduled Castes candidates have been given service in the Calcutta and the Bengal Police separately;

(*ii*) what are their designations in the service;

(*iii*) how many Scheduled Castes candidates applied for services in the Calcutta and the Bengal Police during the aforesaid period; and

(*iv*) what is the percentage of the Police services, in Calcutta and Bengal Police separately, enjoyed by the Scheduled Castes of Bengal at present?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) *Calcutta Police*—No; *Bengal Police*—Yes.

(*b*) (*i*) and (*ii*) *Calcutta Police*—Does not arise; *Bengal Police*—41 of whom 4 are Sub-Inspectors and 37 are constables.

(*iii*) *Calcutta Police*—No record was kept of such applications. There was no recruitment to posts of Sub-Inspector during the period in question.

Bengal Police—119 candidates applied for posts of Sub-Inspector. No record was kept of applications for posts of constable.

(*iv*) A statement is laid on the table.

Statement referred to in the reply to clause (iv) of starred question No. 3 showing the percentages which members of the Scheduled Castes bear to the total strength of the Bengal and Calcutta Police, rank by rank.

Rank.	Bengal Police.			Calcutta Police.		
	Scheduled Castes	Sanctioned strength.	Percentage.	Scheduled Castes.	Sanctioned strength.	Percentage.
Inspector	2	289	·69	..	61	..
Sub-Inspector ..	13	1,884	·69	..	120	..
Assistant Sub-Inspector	56	1,619	3·45	1	154	·65
Head Constable ..	6	1,144	·52	1	427	·23
Constable	437	20,396	2·14	5	4,686	·11

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if 6 head constables and 437 constables belonging to the Scheduled Caste community have proved themselves as efficient as non-Bengalees?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is too early to come to a decision on this question.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the policy of Government has been changed to help recruitment of a larger number of natives of this province as constables?

The Hon'ble Khwaja Sir NAZIMUDDIN: The answer is in the emphatic affirmative.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government have already given effect to this change of policy?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Babu MADHUSUDAN SARKER: With reference to answer "(*a*) Calcutta Police—No", will the Hon'ble Minister be pleased to state on the floor of this House the reason for the total absence of the Scheduled Caste recruitment in the Calcutta Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: Evidently suitable candidates did not apply.

Babu MADHUSUDAN SARKER: Will the Hon'ble Minister be pleased to state how many Scheduled Caste candidates applied for posts in the Calcutta Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to answer (*iii*).

Mr. RASIK LAL BISWAS: মন্ত্রী মহাশয় দয়া কোরে বোলবেন কি এবার যখন appointment করা হোয়েছে তখন Scheduled Castes এর different communitiesএর তরফ থেকে application call করা হোয়েছিল কিনা এবং তাদের application করার কোন রকম কথা ছিলো কিনা?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to answer (*iii*).

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Bengali publications proscribed and withdrawal of ban by Government.

1. Mr. SIBNATH BANERJEE: (*a*) Is the Hon'ble Minister in charge of the Home (Political) Department aware that "Natun Laner Alo" a novel by Sreejukta Bimal Prativa Debi has been proscribed?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing for the last ten years—

(*i*) the names with authors of Bengali novels proscribed by the Bengal Government; and

(*ii*) names of books on which bans have been withdrawn during the last two years?

(*c*) Do the Government propose to withdraw the ban on the rest of the Bengali novels? If so, when?

(*d*) Do the Government propose to withdraw the ban on the ***Weekly Mazdoor*** edited by Sreejukta K. C. Mitra?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) (*i*) The attention of the hon'ble member is invited to the lists of publications proscribed, copies of which are placed in the Library.

(*ii*) (1) "Samyabadar Gorar Katha" by Bijoy Lal Chatterjee; (2) "Pather Dabi" by Dr. Sarat Chandra Chatterjee.

(*c*) Government are not prepared to make a general statement but are ready to consider individual cases on their merits.

(*d*) The paper ceased publication when asked to furnish security.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state the number of books proscribed since 1936, because from the list laid on the library table I find that 2,531 books were proscribed up to 1936 and after that there is no list of proscribed books?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add to what is in the list.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী মহাশয় একটা সংবাদ অনুগ্রহ কোরে জানাবেন কি—এই পরিষদের অন্যতম সদস্য শ্রীযুক্ত নরেন্দ্রনারায়ণ চক্রবর্ত্তী প্রণীত একখানা পুস্তক "বিদ্রোহী আয়র্লাণ্ড" যে বাজেয়াপ্ত হোয়েছিলো, তার উপর থেকে নিষেধাজ্ঞা প্রত্যাহৃত হবে কি?

Mr. SPEAKER: That is a request for action.

Dr. NALINAKSHA SANYAL: Does the Government consider the desirability of reviewing the entire list generally without reference to any particular book or any application or petition as mentioned in answer (*c*) in view of the changed political circumstances?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is very difficult to make a general review of the books, because as already stated by one of the members there are 2,500 books and it means that somebody will have to go through all the books before action can be taken. That is not possible, but if applications are made with reference to any particular books they will be carefully examined.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether the book *Notun Diner Alo* was considered by Government for removing the ban over it?

The Hon'ble Khwaja Sir NAZIMUDDIN: It must have been considered.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister now consider the desirability of removing the ban over the book edited by Bimal Protiva Debi?

Mr. SPEAKER: That is a request for action.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister consider the desirability of permitting the re-publication of the *Weekly Mazdoor* without security if an application is made for that purpose?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think that will be possible.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state why security was asked for from the *Weekly Mazdoor*?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because it was writing articles which were likely to excite the labourers.

Mr. ATUL KRISHNA GHOSE: Sir, I did not propose for action to be taken in my previous question, but what I wanted to know was whether Government will consider the question of withdrawing the ban?

Mr. SPEAKER: That has been answered with reference to Dr. Sanyal's question.

Adjournment Motion.

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, I beg your leave to move an adjournment motion of which I have given notice.

Mr. SPEAKER: I want to know the situation that you want to discuss.

Rai HARENDRA NATH CHAUDHURI: The situation I want to discuss is what has been created by the prohibition of processions, meetings, and assemblage of all kinds; a notification has been issued under the Defence of India Rules prohibiting all processions, meetings, and assemblage. Out of that a regrettable situation has arisen in which there has been a complete prohibition of freedom of speech and association.

The Hon'ble Khwaja Sir NAZIMUDDIN: My preliminary objection, Sir, is that the procedure of bringing any matter to the notice of this House by means of an adjournment motion is an abnormal procedure and the usual procedure is that if anything can be brought before the House by means of normal procedure resort should not be had to an abnormal procedure——.

Dr. NALINAKSHA SANYAL: I submit that the matter should be left to the Speaker.

Mr. SPEAKER: Dr. Sanyal, I must request you not to assume the role of the Speaker.

The Hon'ble Khwaja Sir NAZIMUDDIN: Therefore, I submit to you, Sir, that in this case the honourable member could have given notice of a resolution to discuss this question, but as he has failed to do that I submit that it is not permissible to him to move an adjournment motion, because the cause of action arose before the 21 days' notice, as required, and if the honourable member had taken steps he would have been able to bring this matter before this House by means of a resolution. Therefore, the adjournment motion should not be allowed. Then, Sir, I have got further objection to the statement made by the honourable member that all public meetings have been prohibited which also is not entirely correct.

Mr. SPEAKER: Have you got the Government notification on the subject?

I find from the notification given to me that it only applies to such meetings as are likely to affect prejudicially the public safety, the defence of India, or the public order and tranquillity.

Rai HARENDRA NATH CHAUDHURI: May I submit, Sir, that it does not apply only to the war situation? The notification covers three or four paragraphs. In the first it is mentioned that there should be "no public procession, meeting or assembly for the furtherance or discussion of any subject which is likely to affect prejudicially the public safety, the defence of India, or the public order and tranquillity." So far as the concluding part of paragraph 1 is concerned, it does not therefore relate to the defence of India or to the war situation but to public order and tranquillity. Then again, Sir, so far as the second paragraph of the notification is concerned, it is laid down that no public procession, meeting or assembly at which there is likely to be discussion of any subject which may affect

the public safety, the defence of India or the public order and tranquillity, should be held except without permit. So you will see, Sir that the notification has reference to processions and meetings which have no connection with the defence of India or with the war situation.

Mr. SPEAKER: May I take it then, Sir Nazimuddin, that your one objection to the adjournment motion is that the notification does not prohibit public processions or public meetings or assembly but certain things that will affect the public safety, defence of India, public order and tranquillity. What is your other point?

The Hon'ble Khwaja Sir NAZIMUDDIN: My point is that, if a member is in a position to move a resolution on a particular subject, then in that case the adjournment motion is not admissible.

Mr. SANTOSH KUMAR BASU: Sir, May I submit another point——

Mr. SPEAKER: Mr. Basu, if there is any complicated point later on developing, then I will certainly ask you if you have got anything to say.

Rai HARENDRA NATH CHAUDHURI: May I, Sir, answer the point raised by the Hon'ble Minister? The only rule that he can quote in support of his proposition is rule 98(c). This rule only says that such a motion could be moved where a resolution could be moved, but it does not say that, because a resolution could be moved on a certain matter, therefore an adjournment motion could not be moved on the subject: that argument does not hold good, it is rather preposterous.

Mr. SPEAKER: So far as the first point is concerned, I think that Sir Nazimuddin's contention is not correct. So far as the other point is concerned, I am not clear in my own mind——

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to withdraw the other point.

Mr. SPEAKER: Now the position is much simpler. The reason why the first point is not correct is that—if Sir Nazimuddin will kindly see the rules—the motion must not anticipate a matter which was previously appointed for consideration or with reference to

which, a notice of motion has been previously given. Therefore, so far as this rule is concerned it does not contemplate the right of a member to give notice, it does contemplate the actual facts of a resolution being tabled for the purpose. Even taking an extreme view that Rai Harendra Nath Chaudhuri knowing full well he had an opportunity of giving notice of a resolution of this character, does not deliberately or purposely do so, so far as the technical interpretation of this rule is concerned, he will be within his rights to do so, provided he satisfied other conditions, viz., as to whether it is a matter of urgent public importance, and whether it is a matter in which the adjournment of the House is desired or not.

Even though Sir Nazimuddin has withdrawn his other objection, in view of the contentions that have been raised, I am not perfectly satisfied in my own mind as to whether this motion is in order, in view of the language in which it has been couched. I am not discussing the subject-matter of the motion, but so far as the framing of it is concerned, if the House has no objection, then I propose to give my decision at 5-30 p.m. to-morrow. I will communicate with the members concerned about this at the end of the meeting to-night.

Mr. SANTOSH KUMAR BASU: May I in this connection draw your attention to the adjournment motion of which I have given notice? I have just had a typewritten paper handed to me refusing consent but no reasons have been given. I submit, Sir, it may be possible for me to convince you——

Mr. SPEAKER: I shall be glad if you will kindly see me after adjournment to-night

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, in view of what you have said, may I submit something on the point which I raised first?

Mr. SPEAKER: I think it will be better if you will see me in the Chamber after the meeting I will discuss the matter with you and Mr. Rai Chaudhuri.

Dr. SURESH CHANDRA BANERJEE: Sir, আমার একটা adjournment motion আছে এবং আপনি consent দিয়েছেন এখন আমি সেটা move করতে পারি কি ?

Mr. SPEAKER: I will consider both these motions together, whether they are in order or not.

Dr. NALINAKSHA SANYAL: But, Sir the trouble is that this will mean waste of time considering the number of adjournment motions that have been tabled. Under the rules we cannot move more than one adjournment motion a day. And it will take a long time to finish all the adjournment motions if we go on at this rate.

Mr. SPEAKER: I don't think you have right of reply over Mr. Rai Chaudhuri and Dr. Banerjee.

Dr. NALINAKSHA SANYAL: I think, Sir, it is the right of the House——

Mr. SPEAKER: Any way I have not got the super-intelligence which probably others have. I cannot specify anything in connection with that. We are still in the early stage. You know very well that I will be the last person to reject a thing by my authority which I have reason to suppose should be admitted. Therefore, in view of the fact that to-day is the first sitting of the session I want to discuss that with Mr. Rai Chaudhuri and Sir Nazimuddin as to the form of the notice of the adjournment motion and also as regards the legal aspect of it.

Mr. ABDUR RAHMAN SIDDIQI: May I enquire, Sir, that if the Chair finds that a certain motion is not within the framework of any special rule, do you not think, Sir, that such motion is automatically thrown out?

Mr. SPEAKER: Naturally.

Mr. ABDUR RAHMAN SIDDIQI: Then Sir, has the Chair not come to the decision that the motion under consideration is not within the framework of the rule?

Mr. SPEAKER: No, not yet

Dr. NALINAKSHA SANYAL: Do we take it, Sir, that regarding Comrade Banerjee's motion you will waive it. urgency?

Mr. SPEAKER: Hon'ble Mr. Suhrawardy.

Ordinances.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg leave to lay on the table the Bengal Raw Jute Futures Ordinance, 1939, under section 88(2)(*a*) of the Government of India Act, 1935.

Mr. JOGESH CHANDRA GUPTA: May I ask for allotment of a special day to discuss these two important Ordinances—the Bengal Raw Jute Futures Ordinance and the Bengal Hessian Cloth Futures Ordinance—I must rather say three ordinances——

Mr. SPEAKER: Let the Hon'ble Ministers put the other two.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg leave to lay on the table the Bengal Hessian Cloth Futures Ordinance, 1939, under section 88(2)(*a*) of the Government of India Act, 1935.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg leave to lay before the Assembly the Bengal Jute Regulation Ordinance, 1938, as promulgated by His Excellency the Governor of Bengal, under section 88(2)(*a*) of the Government of India Act, 1935.

Mr. JOGESH CHANDRA GUPTA: Sir, I request that a special day be allotted to consider these three ordinances. These are matters of very great importance and concern the economic life of the province and we would like to have a day for the discussion of these ordinances, their effects and their application.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, may I know if the discussion will be merely in the air or ——

Mr. JOGESH CHANDRA GUPTA: The discussion will take place on the floor of this House and let not the Hon'ble Minister be afraid in anticipation.

The Hon'ble Mr. H. S. SUHRAWARDY: But will it be on a resolution which will be framed by my friend or will it be a mere discussion in the air just because my friends opposite desire to speak?

Mr. JOGESH CHANDRA GUPTA: We shall formulate a motion so that the discussion may be concentrated on that motion.

Mr. SPEAKER: I take it therefore that the Opposition wants to exercise the right which they have got under section 88(2)(*a*) of giving notice of resolutions in connection with it. Well, if such resolutions come, I will fix a certain amount of time, say three or four days, unless you waive the urgency and put in two days. If you are anxious to expedite, I am quite willing to make it shorter.

Rai HARENDRA NATH CHAUDHURI: Three days, Sir.

Mr. SPEAKER: I propose to fix three days within which any resolution which may be tabled in connection with disapproving of these ordinances under section 88(2)(a) by the House, has to be tabled and after that I will take necessary steps in the matter.

(At this stage the House adjourned for 15 minutes.)

(After adjournment.)

Point of Order.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, before we proceed with the business of the House, I have got to enquire on a point of order if you intend to refer the rules circulated to us under the caption that they are Government Rules to competent lawyers to ascertain if all those rules have been within the jurisdiction of His Excellency's discretionary powers. We submit that some of these rules, particularly those relating to the Budget, and the details about the procedure of the Budget, apear to us to be beyond the jurisdiction of His Excellency. In case they are so, it is within the rights of this House to frame its own rules on these matters. If it is found that the decision on this also should be that of His Excellency in his discretion, then we submit that an address be presented to His Excellency to have this matter examined.

Mr. SPEAKER: I will make a statement to-morrow.

GOVERNMENT BILL.

The Bengal Agricultural Debtors (Amendment) Bill, 1939.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that the Bengal Agricultural Debtors (Amendment) Bill, 1939, as reported on by the Select Committee be taken into consideration.

In submitting this motion to the House I do not think it is necessary for me at this stage to enter into details. The main provisions of the Bill were explained to the House when I introduced my Bill on the 31st March last, and on the decision of the House it was referred to a Select Committee. The Select Committee went into details at very great length and the report was presented to the House in July last.

Now, Sir, the changes made by them are apparent as also the reasons for the same. I do not think, Sir, it will be necessary for me again to go into those various changes, but with your permission, Sir,

I might only mention just two or three changes made by the Select Committee in order that a proper appreciation of them might be made.

In the first place, Sir, an amendment has been made to the definition of the term "debt", whereby all liabilities incurred by agriculturists on or after the 1st January, 1940, are to be excluded from the operation of this Act. The reason indicated by the Committee is to be found in the report. It is just to improve facilities for rural credit and to shake off the nervousness which is still lingering in the minds of the people that this change has been made; secondly, Sir, (Dr. NALINAKSHA SANYAL: Are you accepting it?) so far as usufructuary mortgage is concerned, the Select Committee made this change that notice is to be served on all the persons in possession of property subjected to that mortgage; and thirdly, Sir, the Committee thought that after the appellate officer's decision a revision ought to lie before the District Judge (Mr. SANTOSH KUMAR BASU: And the High Court as well?) (Rai HARENDRA NATH CHAUDHURI: No) —

For that we shall have to wait for a further amendment, but not at this stage. I hope Mr. Basu will allow me to proceed step by step. We have heard of appeals so far, and I think Mr. S. K. Basu will be satisfied with an application in revision before the District Judge.

These are the two or three changes which I thought I might mention to the House in order that our points of view might be properly appreciated. (Dr. NALINAKSHA SANYAL: Have you accepted them?) Yes, Government have accepted them. Sir, I do not think I should be impertinent enough, but I feel a bit surprised at the number of amendments that have been tabled against this very short Bill. It was designed that we should try and expedite this measure as quickly as possible. However, I have every reason to hope that when these amendments are moved,—if they are moved at all, and when my explanation is listened to,—there will be no necessity for pressing these amendments to any further consideration.

With these few words, Sir, I commend my motion to the acceptance of the House.

Mr. B. BANERJI: Sir, I beg to move that the Bengal Agricultural Debtors (Amendment) Bill, 1939, be recommitted.

In doing so, at the outset I must submit that the Hon'ble Minister has already acknowledged that there is to be another Bill which will perhaps be necessary for putting this Bill in proper order. To properly appreciate the implications of the Bill the Hon'ble Minister gave us three points, firstly, the definition of "debt", "usufructuary mortgage" in respect of notices, and also in respect of "appellate officers". But the main point for which notice was given was that on the 31st March, 1939, the Hon'ble Minister in introducing the Bill with the Statement

of Objects and Reasons pointed out that the experience gained in the working of the Debt Settlement Boards has shown that it is necessary to amend the Bengal Agricultural Debtors Act, 1935, in order to secure a more rapid disposal of cases and preclude non-agriculturists from being treated debtors under the Act, to dispel the doubts regarding the definition of usufructuary mortgage and also at the same time to check the dilatoriness in certain cases of the Boards keeping cases pending for over two years. I, Sir, at that stage pointed out that it was up to the Hon'ble Minister to bring a comprehensive legislation and not to bring amending Bills year after year. The Hon'ble Minister in reply suggested that if I would wait till the result of the Select Committee was out, I and every one would be satisfied with the report. Now I must charge the Hon'ble Minister and say that he has gone back on his declaration for this reason that the definition of "debtor" is the essential factor in this Bill which remained vague, and the Hon'ble Minister in his Statement of Objects and Reasons particularly stated that he was going to make an improvement on this definition, and now we are rather surprised to find that this has altogether been left out, that is, in clause (9) after the words "a debtor whose" it was proposed that the words "occupation and" should be inserted, but that had been entirely omitted. Mr. Steven in his note of dissent had particularly hit at that point. He had said that there was no object, considering the definition of "debtor" to amend the definition or to confine the operations of the Act to those for whose relief it was intended. Now, Sir, if that definition is not properly put, then all the mischief automatically comes in. We have noticed and we know from our personal experience that every one has applied to this court, whether he is an agriculturist or not. Now, it is also within our knowledge that many of the big zamindars also applied and they got relief, in some cases including the Hon'ble Ministers.

Now, after all this was done, the Government circulated or rather notified in the Gazette under the rule-making power restricting the limit of this loan up to Rs. 5,000, and in the Select Committee report I find that they are satisfied that a considerable improvement has been made to the section by omitting the words "occupation and" as the Hon'ble Minister has just pointed out restricting the definition of the word "debt" to liabilities incurred prior to the 1st January, 1940, and stabilising thereby rural credit. That was not, however, the original intention of the legislation in 1935. If you know it, Sir, it was intended for the time being, that is, to give relief to those who took loans up to that year, and with the same object as the Hon'ble Minister now comes forward to tell us, namely, to improve facilities for rural credit. We have been crying in the wilderness for a long time that unless you make adequate provision for rural credit, there is no good passing a Bill of this nature. What is done is done, but Government

how in their wisdom have found out that it is now necessary at least to fix a period up to 1940. What guarantee is there that the Hon'ble Minister will not come back again after two or three years with another amending Bill of this nature? Government by bringing in amending Bills year after year have lost the confidence of the people. People do not know actually what is going to happen and therefore it is not proper to say that the people will naturally be satisfied and rural credit will again be revived. Therefore I appeal to the Hon'ble Minister to have this clause regarding definition properly drafted.

Regarding sub-clause (2) the report of the Select Committee says: "The powers given to the Provincial Government by rules framed under section 55(2) of the Act, to fix the maximum amount of debt that can be dealt with under the Act are quite effective in serving the purpose". I say it is not. Government have fixed the maximum at Rs. 5,000. Now, it is a well-known fact that no agriculturist has a loan of more than even Rs. 1,000. Therefore if it is said that Rs. 5,000 should be the limit of the loan, then why do you prevent persons other than actual agriculturists from applying to the debt settlement boards? You want to hurry up the disposal of cases by legislation, but the fact remains that you have to scrutinize thousands of applications many of which come from non-agriculturists. I know of cases when debt settlement boards turned down cases, because they did not come from agriculturists. They have appealed to the court on one ground or the other and come back again for decision by the debt settlement boards. This gives a loophole to the members of the boards as they are constituted and the result has been that time has been given months after months and year after year without any weighty reason. I know of cases where more than two years' time has been given. On this single ground I think the Bill should be recommitted to the Select Committee.

There are other grounds as well. You have amended section 4 by substituting the words "officer who has had judicial experience" by the words "servants of the Crown". I do not know what arguments the Hon'ble Minister has to put forward in support of this amendment. Of course there is an appellate court. That is a good thing, but why are you taking away this power from the judiciary, I mean from persons who have judicial experience? You cannot expect a servant of the Crown to mete out better justice than a judicial officer.

Another point to which I should like to draw attention is the exclusion of rent altogether from the definition of debts. When rent is included in the debts, the liabilities may be extended over 15 or 20 years, and the result is that the people who have to pay rent to the Government cannot afford to pay. So, it is up to the Government to see that justice is maintained between the debtor and the creditor, the landlord and the tenant. If it is the intention of Government to finish the cases quickly to give relief to the agriculturists, I think the

maximum time-limit and the pecuniary jurisdiction at Rs. 1,000 and not Rs. 5,000 should be fixed. Many notices have been given to this effect and I think rightly.

With these words I move my motion.

Mr. DHIRENDRA NATH DUTTA: I beg to move that the Bill be recommitted to the Select Committee with instructions to submit their report by the 15th December, 1939, with further instructions to the Select Committee to make additional provisions in clause (9) so that the board, if authorised, may make an award even if the creditors to whom there is owing not less than forty per cent. of the total debt do not agree to the proposed settlement.

In moving this motion I wish to say a very few words. Those who have experience of the working of this Act know very well that there has been accumulation of cases for settlement of debts. If you look to the Act, you will find that it is impossible to come to a settlement. The boards have not been invested with power to come to a settlement A settlement can only be arrived at when 40 per cent. of the creditors agree to a proposed settlement. In clause 19(b) dealing with settlement of debts the first provision is that the creditors must agree in respect of any debt before the board can give award in writing. The second provision is that if there is no agreement there cannot be any settlement even if 40 per cent. of the creditors agree to it. It comes to this that there cannot be any settlement by the board, because the board cannot come to a decision unless one of the parties agree to a settlement. This is a state of thing which is impossible to contemplate. There has been accumulation of debts and we are all agreed that so far as the Bengal debtors are concerned, some sort of settlement must be arrived at both in the interest of the creditors as well as of the debtors.

I know, Sir, that as a matter of fact these settlements have been arrived at, but I also know that whenever they make a statement they actually usurp the power they have not got. They cannot but usurp the power because the boards have not been invested with any power. If Government is anxious that there should be proper settlement of debts, the boards should be invested with such powers. It may be contended that the boards, as constituted, should not have these powers. If Government thinks that the present boards should not have the powers they must form new boards. I suggest—but I do not know whether my suggestion will be accepted, which I have already made to the district authorities—that for the settlement of debts there should be a board in each union consisting of three members, namely, one person with judicial experience, one appointed by Government from amongst the persons residing in the union, and one to be elected by the members of the union board. If these persons are invested with

full power, they will be able to make settlement in a very short time. As a matter of fact, since the boards have been functioning from 1937 till now, I know of cases instituted in 1937 which have not yet been disposed of. There have been accumulation of cases and there cannot but be accumulation of cases because the boards have not been invested with powers. So the main thing necessary is that they should be invested with full powers. If this is not done, it is useless to have boards of the present type and to have an Act like this. Government must invest the boards with full powers, even if the debtors and creditors do not agree to that. With these few words I beg to move this motion, but I find that the Hon'ble Minister is not at all hearing me. I am afraid he has not understood me. He has not the patience to hear me and also to go through the Act itself, and he has no patience to know how the boards have been working. I submit I have lost all faith in Government, especially the Hon'ble Minister, because he has been talking to another gentleman when I am moving my motion. But I hope other members have given a patient hearing to me and they will support me in my view that if there is to be a board it must be invested with full power.

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, I hope the admonitions of my honourable friend will not go in vain and I hope also that the Hon'ble Minister will give his ears to me for a few minutes.

Mr. Speaker, Sir, I have proposed recommittal of the Bill to the Select Committee not merely on academic grounds but on grounds which seem to me to be too real. As a man associated intimately with the rural life of Bengal and as an humble lawyer of a mufassil district —Mr. Speaker, Sir, I also want you to hear me—and I am told the Hon'ble Minister in charge of this department who was also a lawyer at one time and that he is assisted in ministerial work by the Judicial Secretaries, probably some of whom are in the Secretariat Block, we all agree that this Bill was conceived in a spirit of utility broad-based upon real and genuine needs of the countryside, but, at the same time, I must venture this opinion that in actual working----

Mr. SPEAKER: Have you moved your motion, Mr. Sanyal?

Mr. SASANKA SEKHAR SANYAL: Yes, Sir.

Mr. SPEAKER: But I understand you have not moved it formally. I would ask you to do that.

Mr. SASANKA SEKHAR SANYAL: All right, Sir.

I beg to move that the Bill be recommitted with instructions to the Select Committee to make provisions for—

(1) application of necessary provisions of the Indian Limitation Act, 1908;

(2) legislative fixation of the maximum amount of debt which can be dealt with under the provisions of this Act, together with definite rules for governing such fixation.

Mr. Speaker, Sir, probably you are also somewhat connected with this Bill, and we all want the people to be benefited by it, but we all know that it has missed its mark. Amongst many other things I have been told that there are two formidable questions. There is the formidable question of the Limitation Act destroying the appeal against a decision of debt boards. You know that the Bill has provided for appeal against the decision of a board on various matters and according to section 40 of the Act an appeal has got to be filed within 30 days. That is to say, within the self-contained provisions of this Act the thirtieth day is the last day and there is no provision in the Act itself for extending the period of limitation. In rule 86(1) there is a provision under which an appellate court may ask for a copy of the decision of the board itself and the convention in many cases is to allow appeals to be filed after the thirty days on the analogy of civil suits. But it has been found that at the time of hearing of the appeal the preliminary question of the law of limitation cannot save it, because the analogy of order 40 of Rule 1 of the Civil Procedure Code does not apply, because an appeal against the judgment of a civil court must be accompanied by a certified copy of the decree, but here in this case there is no such provision. Section 86 (1) only empowers the appellate court in its discretion to ask for a copy. It is not obligatory upon the party nor upon the appellate authority itself. Therefore, it is not binding on the party and the time within the meaning of the Limitation Act is not available. There are veteran legislators here who are acquainted with the provisions of the various Acts, namely, the Bengal Tenancy Act and the Provincial Insolvency Act. In the Bengal Tenancy Act there is section 185 which specifically makes sections 6, 7, 8, 9, 12, etc. of the Limitation Act applicable to the Bengal Tenancy Act. Section 78 of the Provincial Insolvency Act itself enables the application of section 12 of the Limitation Act to the purposes of the Insolvency Act itself, but here in the Bengal Agricultural Debtors Act how does he get the extension to the period of limitation——

Mr. SPEAKER: Mr. Sanyal, I think these details are matters for Select Committee and you may only adduce reasons generally for recommittal.

Mr. SASANKA SEKHAR SANYAL: The purpose of the recommittal is this. So far as the amendments are concerned, they can be discussed on the merits of the amendments themselves, but the purpose of the recommittal motion is not so much to criticise the purview of the report as to criticize the range which is outside the Bill. It is not a new law. The Bengal Agricultural Debtors Act has been before us for a long time. The Select Committee, particularly the Judicial Department, ought to have been aware of the pitfalls of the Act itself and the danger and trouble in the execution of the law in the country-side. Now, Sir I give you a concrete example. On the thirty-first day—the preliminary day—the appeal fails, because you know under section 8 of the Limitation Act, it is provided that subject to the provisions of sections 5 to 12 all applications filed after the period of limitation are time barred. Even if that applies to the articles of the Limitation Act, it applies still more to legislations which are outside the purview of the Limitation Act. Therefore, I beseech the Hon'ble Minister to consult himself as a lawyer and his legal advisers and consider whether it is worth while to remedy this defect. Then, Sir, comes the outstanding question and I am sorry the members of the Select Committee did not apply their mind to the way in which the boards have been robbed of their power. I draw your attention to section 55 of the Act and also the Hon'ble Minister's attention

Sub-section (1) says: "The Local Government may make rules for carrying out the purposes of this Act." Sub-section (2) says: "In particular and without prejudice to the generality of the foregoing power the Local Government may make rules to provide for all or any of the following matter, namely:—'The maximum amount of debt which can be dealt with under the provisions of this Act.'" What power is given to Government? The power given to Government is to fix the maximum amount that can be dealt with. But the method of selection of authority for enforcing this rule does not lie with the Government. In the first place, Sir, there cannot be any alternative maximum as has been done. The board has been given power up to Rs. 5,000 and the Collector has been given a discretion between Rs. 5,000 and Rs. 25,000. Where does the Collector get the power? It has been given by Government. But where has the Government taken that power from? Government has no power, but it can only fix the maximum amount of debt. Government have no power to fix one maximum for the Board and another maximum for the Magistrate or Collector. Government have no power to create a third authority. It is specifically laid down "in particular and without prejudice to the generality of the powers the Local Government to make rules." It is clear, Sir, that there are two authorities—one is the debt board and the second is the appellate officer, and the Magistrate is neither a board nor an appellate officer.

A third authority has been created—the Collector or the Magistrate—who will sit in judgment over particular cases without any authority having been vested in the Government to do so. Sir, I draw the attention of the whole House—are we going to be robbed of our legislative authority and powers which we have created ourselves—powers which have been laid down clearly without any ambiguity? It is a definite case of robbery. The board ought to be told what is the maximum amount—it may be Rs. 5,000 or Rs. 25,000. Now, Sir, the position is that the board is the final authority subject to the discretion of the Collector. But where does the third authority come from. The reasons are not very far to seek. It is not so much the rules laid down by the authority of this law. These are the rules which have been created for the convenience of the Government for political purposes. As a humble lawyer of a district court we feel the difficulty. The Collector is there, but he has no authority to determine the debt or to enter into any question regarding the debt within the meaning of the Act itself. But as soon as there is an application before the board in which the amount involved is beyond Rs. 5,000, the hands of the board are at once tied, and in that case discretion lies with the Collector. He uses his created authority to allow the application or dismiss it. I am giving a concrete example of the injustice that is done in the mufassil districts. If a person is undesirable from a political point of view but at the same time is a genuine debtor within the meaning of the Debtors Act, the Collector refuses to give him any relief. If, on the other hand, the debtor is a politically desirable person and a member affiliated to a particular organisation in which the Ministry is interested or even a Minister himself, he gets the maximum amount of sympathy of the Collector, even if he is not a genuine debtor. So, Sir, my submission is—and I hope my friends opposite will consider this point—that the legislative authority has been robbed of its treasure by the Government and the Government is making an abuse and misuse of the power and is dealing with a power which is not given by the Act itself.

Sir, with all humility I submit that the Hon'ble Minister will kindly consider this matter from its legal as also from its political aspects. I know the political argument will not appeal to the Minister. But I think he should have some respect for the law itself, and should try to remedy pitfalls. With these words I commend my motion to the acceptance of the House.

Dr. NALINAKSHA SANYAL: I rise to support the motions for recommital on grounds other than those mentioned by my previous esteemed colleagues. As a matter of fact I am inclined to feel after the brilliant speech of Mr. Sasanka Sekhar Sanyal that there is hardly anything left for me to draw the attention of the House to in this connection. But there is just one matter which the Select Committee

was given definite charge to look into and which was not properly attended to, which requires the Select Committee's consideration once again. In the Statement of Objects and Reasons the first and foremost object for introducing this piece of legislation has been mentioned as the necessity to amend the Bengal Agricultural Debtors Act in order to secure a more rapid disposal of cases. More rapid disposal of cases has been arranged for in the report of the Select Committee through two methods: one by reducing the number of cases coming before the boards to such as would be limited by a particular limitation of the amount involved and the other by doing away with certain notices on the persons concerned for submitting their returns as a result of those notices. I submit that neither of these two measures are likely to bring real relief in regard to disposal of cases quickly. The essential thing is that to-day from a study of the actual working of the Act it has been definitely revealed that so long as proper facilities for rural credit are not created disposal of cases quickly is impossible, and even if, as has been done sometimes, paper decisions are taken those paper decisions are likely to remain with the boards, or are likely to remain unenforced for years and probably for centuries. Therefore, the most essential thing for the Select Committee would be to advise Government to come forward with a definite scheme for liquidating the debts as and when the debt boards come to a decision, and unless that is done no decision can be finally made. As a matter of fact I have during my recent tours in the rural areas discovered that in many districts the debt boards, when they call upon the creditors to come to a decision, are faced with one question, viz., "are we going to have the money if we asked for it on such and such dates, and if not, when are we going to have the money?" The debt boards are not competent to give any answer to these questions. And if creditors knew that they were going to get something, say, 20, 25 or 30 per cent., I believe that many of these cases would have been disposed of very much more quickly than they are done to-day. As a matter of fact, a large number of cases that you find to-day collected with the boards—and they are really very large in number—are held up because no real settlement can be brought about by the boards, and apart from the other legal and technical difficulties the real difficulty is due to absence of rural credit. Fortunately for the Hon'ble Minister in charge and for the present Cabinet, this year has been a particularly good year in certain parts of Bengal, so far as crops are concerned, and the prices of crops are fairly high, because of certain factors not within the control of the Hon'ble Ministers. But taking advantage of these factors if they cannot create the machinery which will bring real relief to the agriculturists, then, at a future time when money will be really needed, the agriculturists would be faced with still greater difficulties than with what they are faced to-day, due to heavy indebtedness. I would not take much

time of the House, but I must say that the time has come, and it is very opportune too for Government, to devise real measures for relieving the peasantry, and not merely for tinkering with small things here and there with a view to bring about some alleged improvement in the working of the Debt Settlement Act. I am one of those who believe in that Act: I am one of those who really believe in the possibility of reducing rural indebtedness to a very large extent if only Government would have a bold policy of having State banks along those lines in which these have been instituted in various colonies of the British Empire, in South Africa, in New Zealand as well as in certain States of the United States of America.

Mr. J. W. R. STEVEN: Mr. Speaker, Sir, I should like to welcome on behalf of the European Group any amending Bill which will tend to make for more satisfactory working and give relief to the class of people for whom it was intended. There are two notable improvements on the original Bill as emerged from the Select Committee, namely:—

(*a*) limitation of debts to debts incurred prior to 1st January, 1940;

(*b*) the provision made for right of appeal to District Judges;

and I would at this point thank the Hon'ble Minister in charge of the amending Bill for accepting these recommendations.

The experience of the working of this Act has undoubtedly not been at all satisfactory, and any member who knows mufassil conditions must agree with me, that the Act is not functioning on the lines anticipated and hoped for by every one who is anxious to see relief granted to those who must get assistance to allow them to get out of the nightmare of debt.

The inefficiency of a large number of the debt conciliation boards is so well known to all members of this House that I need not enlarge on this subject, but I would ask the Hon'ble Minister in charge of this amending Bill to see that strict instructions are given to District Magistrates that boards, which have not functioned properly—of which there are many—are closed down altogether or a Government official appointed to take over charge with full powers to settle cases within a stipulated period.

Coming to the Bill itself, we have tabled an amendment with regard to clause 2(2) for the clearer definition of "Debtor" which most members of this House must agree requires clarification.

In my opinion the recent rise in prices of commodities has saved the situation, as had this not happened—that is the rise in prices of

commodities—there is no doubt in my mind that chaos would have been created in the mufassil due to the inefficient working of the majority of the debt conciliation boards.

Might I in closing express a hope that the *raiyat*, in view of the present prices of commodities, will utilise the higher income in liquidating his debts and so save all the expense and trouble of having to lay cases before the debt conciliation boards. This would gradually stop the operation of this Bengal Agricultural Debtors Act which is only justifiable as an emergency measure where a drastic remedy is required.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Mr. Speaker, Sir, I am sorry I have to oppose all these motions asking for recommittal of this very short and humble Bill to the Select Committee once again.

Sir, we have known Mr P. Banerji for some time now, and I do not think—I say this without any disrespect to him—that anybody will take his arguments very seriously.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister entitled to speak about a member in the way that he is doing?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, one of the arguments that he has been able to advance to the House is that cases have been pending for a long time now. I wish he had given me one single instance where he could justify his remark that cases have been pending for over two years now. Questions have been asked in this House from time to time as to the number of cases filed before different Boards, the number of months that they have taken and the way that they have been settled, and I think I have had occasion to give answers to those questions categorically showing the time——

Dr. NALINAKSHA SANYAL: You did not answer; you evaded answers.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: .....and I also frankly admitted that the Boards which had been formed for the first time would take some time before they could get to know the rules framed by Government and the sections of the Act. With regard to these Boards which have started functioning only recently, it is true that it takes some time to dispose of the cases filed before them; but with regard to those Boards which have been functioning for some time now, they have been able to dispose of most of their cases. In March last when I presented my demand under this head in connection with the Budget, I gave instances to show the disposal of these cases by different Boards.

Dr. NALINAKSHA SANYAL: All bogus instances.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is no doubt true, Sir, that when about 4,000 boards function in this province before whom lakhs of cases have been filed that all these cases cannot be disposed of all at once; but the steps that can be taken and are humanly possible of being taken have been taken and we are going to see that these cases are not delayed for a very long time.

Now, Sir, at the time when I introduced the Bill in March last one of the objects that I mentioned in the Statement of Objects and Reasons was that the amending Bill seeks to give relief to those for whom it is intended and in that Bill as was introduced in the House on that occasion, it was said that a debtor ought to be by occupation an agriculturist. Now that clause has been changed by the Select Committee for reasons known to them over which they have had discussions for a very long time and the report indicates the summary of those reasons. They were all satisfied that the change that has now been made is sufficient to meet the point that Mr. Banerjee has raised that it is just to help those people, namely, the agriculturists, out of their present difficulties that this restriction is going to be made and further to see that after the 1st of January, 1940, whatever liability may be incurred, that will not come within the purview of this Act.

Sir, I am extremely sorry I have not got the proceedings of the old Bengal Legislative Council when this Bill was discussed, but so far as I remember—and I happened to be a member of that body too—there was no such statement by the then Government that the loans of the year 1935 only would be taken into account by these Boards. If Mr. Banerjee can find this out I will be very glad to look into it and see whether or not we should make any further modification.

Sir, with reference to one particular matter, namely, that a rapid disposal which has been mentioned by Mr. P Banerji as also by my friend Dr. Nalinaksha Sanyal, will follow from the steps that we have thought of in this Bill, namely, to shorten the period of time for issuing notices under different sections and by the fixation of the amount up to Rs. 5,000 and under certain circumstances with the Collector's approval up to Rs. 25,000, the number of applications will be rather smaller than what it should have been under existing circumstances. Now, Sir, that is no doubt true, and in point of fact that is one of the points that I mentioned on the last occasion when I introduced my Bill. I submit, Sir, that these are matters which have really been thought of and for which this legislation is absolutely necessary.

As regards one other matter which Mr. Banerjee desires the Select Committee to consider once again, namely, as to what "a servant of the Crown" would mean, when we seek to amend section 4. If he be

good enough to refer to that section once again, he will find that under certain circumstances mentioned in that section, namely, when a Board is dissolved, its affairs have to be taken charge of by some officer. The experience of the working of these Boards for these years shows that since they are located far away from the Subdivisional or District Headquarters, it is not always possible,—and perhaps impossible,—to ask an officer with judicial experience to take charge of the affairs of the Board, when it is dissolved by an order made under section 4.

Mr. SASANKA SEKHAR SANYAL: So, an Assistant Sub-Inspector of Police will do.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Mr. Sasanka Sekhar Sanyal is a member of the legal profession and he will perhaps appreciate that. So far as the powers under these sections, namely, 3 and 4, are concerned, the powers have been delegated to the Commissioners of Divisions, under section 5 and it may not perhaps be known to Mr Sasanka Sekhar Sanyal that a Commissioner will get this done not by an Assistant Sub-Inspector of Police but by a Sub-Deputy Collector or by a special officer who is in charge of the Debt Conciliation Boards, and whose duty is to advise and guide the Debt Settlement Boards, to either of whom the affairs of these boards can be given when these are dissolved. He is the officer mentioned in section 4 who is to see that no difficulty is created in this way; and we think that an amendment of this clause, namely, "officer who has had judicial experience" is to be made by the one proposed in this Bill. I submit, Sir, therefore, with all respect that the points taken up by Mr. Banerji need not be subjected to any further scrutiny.

Now with regard to the points raised by Mr. Dhirendra Nath Datta, I can very well appreciate his anxiety that the Board should be given more powers in order that effective settlement can be made. He took me to task for not attentively hearing his points of view which, however, was unfortunately due to my being engaged by a member at the time. I knew his point very well. He wants to suggest that more Boards or rather all the Boards should be invested with powers under section 22 in order that an effective settlement can be made. Now, before we get to that stage Mr. Datta will be good enough to find that even when a creditor refuses to accept a fair offer made under section 19(*1*)(*b*), the Board can certainly refer the matter under section 21 and a certificate may be given by the Special Board to see that creditors of that description get the prescribed penalty. Now with respect to section 22 Mr. Datta may be pleased to learn that we have recently advised the Commissioners to take into account the cases of more Special Boards functioning for some time now in order that such Boards may be vested with powers under section 22 as they would consider fit. I

submit, therefore, Sir, that there is enough power in the existing Act to deal with the points raised by Mr. Datta and hence there is no reason for recommitting the Bill to the Select Committee.

With respect to the point of "limitation" raised by my friend Mr. Sasanka Sekhar Sanyal, I remember to have come across this point before at least on the occasion, namely, in March last when this Bill was introduced and at that time I apprehended that there would be a good number of appeals. Perhaps my friend Mr. Sanyal may be surprised to hear that there have been only 119 appeals so far, before the special appellate officers, preferred against the decision of these Boards. This figure of 119 is the one which I had in March and I have not scrutinised the figures since then. He will be good enough to find from section 40 as also from the amending clause which deals with powers to be given to District Judge to deal with applications in revision against the decision of the appellate officers that the period of limitation has also been mentioned in the same section. In respect of the time that may be taken for the purpose of getting a copy of the order, etc., Mr. Sanyal may be good enough to find from the Act itself that there is no mention that the copy of the order has to be filed along with the memorandum of appeal. The grounds of appeal are very simple and it is not necessary at that stage to take out a copy of the order for drawing up the grounds of appeal. The records of the case will be before the appellate officer; the order, the petition and the evidence that has been recorded will all be there. And therefore no difficulty has been experienced so far from that point of view, namely, that unless——

Mr. SASANKA SEKHAR SANYAL: In view of rule 86 appellate officers refuse to take appeals without copies.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is a discretionary matter. If it was brought to the notice of the Collector or the Government, perhaps it would have been seen that no such difficulty was created in that way, because there is no provision in the Act itself; but up till now not a single case of such a difficulty has been mentioned by any one. However, Sir, it is not a matter for any further consideration at this stage.

Mr. SASANKA SEKHAR SANYAL: Sir, the Hon'ble Minister has not properly clarified the point of "limitation" raised by me——

Mr. SPEAKER: I suppose, Mr. Sanyal, you called the attention of the Hon'ble Minister and if he does not answer I cannot help it.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: As regards the powers given to the Government under section 55 (2) to fix the maximum amount of debt, Mr. Sanyal wanted to suggest that an authority in the person of the Collector has been introduced who is given the power to look into the cases where the debts amount to over Rs. 5,000 up to Rs. 25,000. I submit with all respect, Sir, that the clause in this section does not say anything about the officer. It only gives the power to the Government to fix the amount in their own way. Now it is to be generally understood that a Board has got the power to take into their account cases up to the value of Rs. 5,000 for settlement. But experience shows that in Eastern Bengal especially in the Divisions of Chittagong and Dacca, the value of the land had gone up as a result of which the debt which an ordinary agriculturist incurred at that time is very much over Rs. 5,000 and it is only to take into account those cases that the Collector has got the power to say even in respect of cases over the normal valuation whether he is an applicant whose case ought to be settled under the provisions of this Act. I submit, therefore, Sir, that the rules that have been framed are perfectly justified and that there is no ground for asking the Select Committee to consider this matter again.

With regard to the question raised by Dr. Sanyal, namely, that the Select Committee should be asked to go into the question of facilitating the rural credit and advising Government as to how it should be done, his point is that it ought to have been suggested by the Select Committee that Government should establish State Banks. I do not know, Sir, what connection is there between this subject and the Bill which is before the House though I can very well appreciate his anxiety as an economist to find some economic theories to explode. With regard to other points he is right, that it is to speed up the disposal of cases that some of these clauses had been thought of.

With regard to Mr. Steven's point, I am indeed very glad that being a member of the Select Committee he could well appreciate the Government's point of view that there is no intention on our part to frame rules to bring in those debtors under the purview of this Act for whom such a relief is not intended. And if I find that there have been cases of misapplication of the Act and the members of the Boards have not behaved properly, Government will not hesitate to remove those members from office. In this connection honourable members may be good enough to look into the *Calcutta Gazette* in which is to be found action taken by the Commissioners for mismanagement of the Board. Such being the case, I can only assure my friend Mr. Steven that he need not apprehend any such thing.

The amendment of Mr. P. Banerji that the Bill be recommitted, was then put and lost.

The amendment of Mr. Dhirendra Nath Dutta that the Bill be recommitted to the Select Committee with instructions to submit their report by the 15th December, 1939, with further instructions to the Select Committee to make additional provisions in clause (9) so that the Board, if authorised, may make an award even if the creditors to whom there is owing not less than forty per cent. of the total debt do not agree to the proposed settlement, was then put and lost.

The amendment of Mr. Sasanka Sekhar Sanyal that the Bill be recommitted with instructions to the Select Committee to make provisions for—

(1) application of necessary provisions of the Indian Limitation Act, 1908;

(2) legislative fixation of the maximum amount of debt which can be dealt with under the provisions of this Act, together with definite rules for governing such fixation,

was then put and lost.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that the Bengal Agricultural Debtors (Amendment) Bill, 1939, as reported by the Select Committee be taken into consideration was then put and agreed to.

Clause 1.

The motion that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

SJ. NARENDRA NATH DAS GUPTA: I beg to move that after clause 2 (1) the following be inserted:—

(2) in clause (9) after the words "a debtor whose" the words "occupation and" shall be inserted

যখন এই আইনের খসড়া বিলের আকারে উপস্থিত হোয়েছিলো তখন তাতে এই কথা ছিলো যে যারা এই কৃষি ঋণ আইনের আমলে আসবে তাদের কৃষক হোতে হবে। কিন্তু বর্তমানকালে আমরা দেখতে পাচ্ছি যে এই আইন যখন প্রযুক্ত হোচ্ছে এই বাংলা দেশে, তখন যে শুধু কৃষকেরাই এই আইনের দ্বারা লাভবান হোচ্ছে তা নয়, যারা কোন দিন কৃষক ছিলো না, বা যাদের কৃষক হবার বিন্দুমাত্র ইচ্ছা নাই তারা পর্যন্ত এই আইনের সুবিধা গ্রহণ কোরছে। এমন কি যাঁরা মন্ত্রীত্বের পদিতে সমাসীন হবার পরম সৌভাগ্য এবং অর্থ সম্পদ লাভ কোরেছেন তাঁরাও এই আইনের দ্বারা নিজেদের

সুযোগ ও সুবিধা গ্রহণের ত্রুটি করেন নাই। বড় বড় জমিদার এবং বড় লোকেরা এই আইনকে অবলম্বন কোরে এই আইনের প্রকৃত উদ্দেশ্যকে পণ্ড কোরেছেন। যেখানে তাঁরা দেখাতে পেরেছেন যে তাঁদের জমিদারীর আয় ৫ লক্ষ টাকা কিন্তু চা বাগান বা অন্যান্য বাগান থেকে আয় সোয়া পাঁচ লক্ষ টাকা অতএব তারা সেখানেই কৃষক হোয়ে বোসেছেন। এইরূপে সব বড় লোকেরা কৃষি ঋণ লাঘব আইনের আওতায় আসায় এ আইনের যা উদ্দেশ্য প্রকৃত কৃষকদের ঋণ লাঘব করা, সেটাকে একটা উপহাসের বিষয় কোরে তোলা হোয়েছে। এই আইন যখন প্রণয়ন করা হোয়েছিলো তখন উদ্দেশ্য ছিলো —যারা বাস্তবিকই কৃষক, যুগ যুগান্তর ব্যাপী ঋণের চাপে যাদের জীবন ক্লিষ্ট, ঋণের ভার থেকে তাদের মুক্ত কোরে দেওয়া। যাতে তারা মানুষের মতন সোজা সবল হোয়ে সমাজে চোলতে পারে সেই ব্যবস্থাই এই আইনের দ্বারা করা হোয়েছিলো। অন্যান্য ধারা যা পরে আসবে, এবং আইনের মধ্যেও যা আছে তার মধ্যে গণ্ডগোলতো রোয়েইছে, পরন্তু এই কৃষকের সংজ্ঞাটা তাতে অস্পষ্ট রাখার দরুণ যারা নাকি কৃষক নয় তারা এই আইনের সুযোগে মহাজনদের ফাঁকি দেবার চেষ্টা কোরতে পারছে। এবং গভর্ণমেণ্টও যে এ জিনিষটা বুঝতে না পারছেন তা নয়; বুঝতে পারছেন বোলেই যারা বাস্তবিকই কৃষিজীবি তাদের এই আইনের আমলে আনবার জন্য occupation কথাটি যোগ করেছিলেন তাদের প্রস্তাবিত বিলে। কিন্তু যারা Select Committeeর member তাঁরা occupation কথাটা বাদ দিয়ে পূর্ব্বের মতন অন্যান্য সকলকে এই আইনের সুযোগ নিতে সুবিধা কোরে দিচ্ছেন। আমি পূর্ব্বেই বোলেছি যে এই আইনের দ্বারা আমাদের মন্ত্রীদের পর্য্যন্ত সুবিধা হোয়েছে, তা ছাড়া এখানে মন্ত্রী নির্ম্মাতা যাঁরা তাঁদের এবং তাঁদের আত্মীয় স্বজনদেরও যে সুবিধার জন্যই একথাটা এই occupation শব্দটা বাদ দেওয়া হোয়েছে সেটা বুঝতে কারোই বাকি নাই। কিন্তু আমি বিশ্বাস করি এবং আমার মতন আরো অনেকে বিশ্বাস করেন প্রকৃত উদ্দেশ্যই হোচ্ছে কৃষকের উপকার করা, এবং প্রকৃতই যারা কৃষক এবং একমাত্র চাষবাসের উপরই নাকি যাদের সম্পূর্ণ ভবিষ্যৎ ও বর্ত্তমান প্রতিষ্ঠিত তারাই শুধু এই আইনের দ্বারা লাভবান হোক। যারা তা নয় তারা শুধু এই আইনের আমলে আসার দরুণ, যেমন পূর্ব্ববর্ত্তী বক্তা বোলেছেন, যে লক্ষ লক্ষ মোকদ্দমা স্থগিত হোয়েছে। Debt Settlement Board দ্বারা তার কোন কিনারা হচ্ছে না। তার মধ্যে যারা কৃষক নয়,—যারা কোন দিন কৃষক নয়, এবং যাদের কৃষক হবার সম্ভাবনা নাই আমরা যদি occupation এই কথাটা এই আইনের মধ্যে যোজনা করে না দেই তাহলে যে লক্ষ লক্ষ মকদ্দমা জমে উঠেছে Debt Settlement Board এর মধ্যে তার সংখ্যা আরও বাড়বে। এবং সেই মোকদ্দমার পাহাড়ের মধ্যে তাদের মামলা চাপা পড়ে রয়েছে কোন কিনারা হতে পাচ্ছে না। যাদের জন্য আইন, তারাই হচ্ছে এর সুযোগ হতে বঞ্চিত। আমরা গ্রামি পাড়াগাঁয়ে যখন ঘোরা ফেরা করি তখন দরিদ্র কৃষকেরা আমাদের কাছে বলে থাকে যে আমরা Debt Settlement Board এ যেয়ে যেয়ে হয়রাণ হয়েছি। আমরা ঋণ লাঘব হবার জন্য Debt Settlement Board এ গিয়েছিলাম, সে ঋণ ত লাঘব হ'লইনা, লাঘব হয়েছে আমাদের ঘরের মধ্যে যা পয়সা ছিল, সেইটে, সেই পয়সাই আমাদের বেরিয়ে গিয়েছে। আমরা যাতে খেটে খুতে পারি ঋণ সালিসি বোর্ডে ঘুরে ঘুরে হয়রাণ হওয়ায় সে উপার্জ্জনের পথ বিঘ্ন-সঙ্কুল হয়ে পড়েছে। কোন কোন মকদ্দমা যা ঋণ সালিসী বোর্ডের কাছে আমরা আগে দায়ের হয়েছে, আজও পর্য্যন্ত চলছে। আমরা জানিনা কিকরে নিষ্কৃতি পাব। আমরা জানি যে বাস্তবিক যারা কৃষক নয় তারাও হাজার হাজার লক্ষ লক্ষ মকদ্দমা দায়ের করেছে এই সুযোগ হাতে যে তাদের যে জমি আছে তা চাকর বাকরের দ্বারা চাষ করি। সেই জন্য আমার বক্তব্য এই আইনের যা কিছু সুযোগ সুবিধা ছোটা প্রকৃত কৃষকদেরই দিবার জন্য occupation এই কথাটা যদি add না করা হয় তাহলে আইনটাকে waste paper basketএ ফেলে দেওয়া উচিৎ।

Mr. J. W. R. STEVEN: Sir, I beg to move that in clause 2, in line 1, the expression "clause (*8*) of" be omitted and in line 3 the expression "(*1*) in clause 8" be restored, and after sub-clause (*1*) the following sub-clause be inserted, namely:—

(*2*) for clause (*9*) the following clause shall be substituted, namely:—

"(*9*) 'debtor' means a debtor whose primary means of livelihood and principal occupation is the cultivation or use, for the purposes of agriculture, of land—

(*a*) in respect of which he is a *raiyat* or an under-*raiyat* within the meaning of the Bengal Tenancy Act, 1885, or

(*b*) which he cultivates or uses either himself, or by members of his family, or by hired labourers, or by *adhiars*, *bargadars* or *bhagdars*;

and includes a group of persons who join in making an application under the provisions of sub-section (*1*) of section 9".

Mr. Deputy Speaker, Sir, I do not think much need be said except that this definition would go a long way to improve the Act, and I cannot see that there can be any objection to defining the words in the way I have defined them. If anybody can give a better definition, I am quite prepared to accept that but so far I have seen no better definition. In the circumstances, something ought to be done in the matter and I suggest that the definition I have put forward be accepted.

Mr. SASANKA SEKHAR SANYAL: Sir, I beg to move that clause 2 (*a1*) be omitted.

Sir, my reasons are very simple. According to the Act, an agricultural debtor gets only the benefit of one application before the board and he cannot get any advantage from the board a second time. We should not make any invidious distinction between the debts contracted before a particular time and after that. Since the debtor gets only one advantage we should give him the advantage in every way because my honourable friend the Minister knows that in many districts the boards came into existence rather late and the beginning of the working of the boards also started very late and in most of the boards in actual working, receipt of applications and determination of debts will practically begin after January, 1940. That being the case, let us keep our doors open for all debtors who may come at any time. There is the effective safeguard that you give the benefit to the debtor only once and not more than once.

Sj. NARENDRA NATH DAS GUPTA: কথাটা হচ্ছে এই যে, আমরা পূর্বে এ আইনে কৃষকদের যে সুবিধা দিয়েছি তা থেকে বঞ্চিত কোরে আমাদের কি লাভ হবে বুঝতে পারছিনে। শুধু তাই নয়, পরন্তু ১৯৪০ সন উল্লেখ কোরে গভর্ণমেণ্ট মাত্র তাদের দায়িত্ব এড়াতে চাইছেন। মানুষ যে কাজই করুক না কেন তাঁর মধ্যে দুটো দিক থাকে,—ভালোর দিক এবং মন্দের দিক। ভালোর দিকটা যাতে প্রকৃত প্রস্তাবে সফল হয়—আইনের উদ্দেশ্য হোচ্ছে তাই। এবং মন্দের দিকটা যাতে ব্যর্থ হয়—গভর্ণমেণ্টের উদ্দেশ্য হওয়া উচিত তাই। কিন্তু ঋণ-সালিসী বোর্ড করবার কালে ভালোর সঙ্গে এই মন্দটাই আজ সত্য হোয়ে উঠেছে যে, কৃষকদের বর্ত্তমানে ঋণ পাওয়া দুষ্কর হোয়ে উঠেছে কারণ, তাদের কেউ আর টাকা পয়সা দিতে অগ্রসর হয় না, সকলেই বলে—"তোমরা জমি বিক্রয় কোরে টাকা নাও। এমনভাবে আইন নিত্য বদলাচ্ছে যে আমরা কোন মতেই লেন্দো-দেনার কারবার রাখতে চাইনে। আজ যে আইনের বলে টাকা দেব কাল তা উল্টে যাবে, আর আমার টাকা মারা যাবে। কাজেই আমরা যদি তোমাদের টাকা দেই সে টাকা ঘরে ফিরিয়ে আনতে পারবো এমন ভরসা কোথায়?" সুতরাং ঋণ-সালিসী বোর্ডের দ্বারা প্রজারা যে রকম দুঃখে পতিত হয়েছে তাতে গভর্ণমেণ্টের উচিত যে সমস্ত পল্লিগ্রামে bank স্থাপন করে মহাজনরা যেখানে ঋণ দিতে রাজী নয় সেখানে তাদের bank থেকে ঋণ দিয়ে relief করা। বর্ত্তমানে আইনের যে ধারা দেওয়া হয়েছে,—১৯৪০ পর্য্যন্ত ঋণ করলে এ আইনের আমলে আসবে না—এতে তারা শুধু ধাপ্পা দিতে চাইছেন—কৃষকদের এবং মহাজনদেরও। কিন্তু এই ১৯৪০ সনের ধাপ্পা দিয়ে কৃষক আর মহাজনদের ঠকান যাবে এই যদি গভর্ণমেণ্ট মনে করে থাকেন তাহ'লে তারা ভ্রান্ত।

মন্ত্রী মহাশয়েরও বোধ হয় এ বিষয়ে কিছু ব্যক্তিগত অভিজ্ঞতা আছে। আমরা দেখি তিনি মাঝে মাঝে মফঃস্বলে যান। মফঃস্বলের কৃষকেরা ঋণ না পাওয়ার অসুবিধার কথা তাঁহার কানেও বোধ করি আনে। এবং ঋণ যাতে পাওয়া যায় তারও একটা বন্দোবস্ত করার জন্য গভর্ণমেণ্টের কাছে প্রার্থনা করে। ১৯৪০ সনকে উল্লেখ করে দিয়ে এখন তিনি বলবেন "আর তোমাদের ভয় কি। আমরা আইন কোরেছি ১৯৪০ সনের পর আর তোমাদের ঋণ পাবার ভাবনা থাকবে না।" এবং বোধ করি তিনি এও ভেবেছেন যে তারা আর গভর্ণমেণ্টকে ঋণের জন্য উদ্‌ব্যাস্ত কোরবে না। কিন্তু আমি পূর্বেও বলেছি, এখনও বলছি এর দ্বারা মহাজনও প্রতারিত হবে না, কৃষকও প্রতারিত হবে না, এটা মাত্র আত্ম প্রতারণাই হবে। (A MEMBER: বলুন, ঘোরতর আত্ম প্রবঞ্চনা) এ রকম আত্ম প্রবঞ্চনা যে তারা দায়ে পোড়লেই কোরে থাকেন সেটা না বললেও চলে। কিন্তু আমি বোলছি এই যে ধারাটাতে যে ১৯৪০ সন দেওয়া হয়েছে এ ধারাটা তুলে দেওয়া হোক। এবং গভর্ণমেণ্টের বিন্দুবিন্দুমাত্রও কর্ত্তব্য জ্ঞান থাকে, যদি প্রজাদের জন্য বিন্দুমাত্রও দরদ থাকে তা'হলে এগিয়ে আসুন, প্রকৃত প্রস্তাবে ঋণ যাতে প্রজারা পেতে পারে তার ব্যবস্থা করুন, তার সুযোগ সুবিধা সমস্ত গ্রামে গ্রামে কোরে দিন। তার ফলে সমস্ত প্রজারা আশীর্ব্বাদ কোরবে এবং এ আইনের উদ্দেশ্যও সিদ্ধ হবে।

Mr. RASIK LAL BISWAS: Sir, I beg to move that clause 2(*a1*), line 2, the figure "1939" be substituted for the figure "1940".

আমি move করছি যে "In clause 2 (*a1*), line 2, the figure '1939' be substituted for the figure '1940'."

অবশ্য এর আগে যে amendment move করা হয়েছিল সে amendment আমি সমর্থন করছি। বর্ত্তমানে এক বৎসর কমিয়ে দিলে বেশী কিছু লাভ হবে তা নয়। আমার

এই amendment আনছি as a protest, কারণ এই Debt Settlement Boardগুলি যে ভাবে কাজ করছে তাতে এর আয়ু বেশী দিন বাড়িয়ে দেওয়া চলে না এর আয়ু যত কম হয় সেটা সকলের পক্ষে মঙ্গল।

আপনারা বোধ হয় জানেন—এই House এর যে সমস্ত member পল্লীগ্রাম থেকে আসছেন তারা অনেকে জানেন এই Debt Settlement Board হওয়ার পর থেকে লোকে অনেক আশা কোরেছিল। তারা ভেবেছিল তাদের দেনাগুলি কম করে দেওয়ার ফলে হয়ত তাদের প্রকৃতই ঋণ সম্বন্ধে কিছু সুবিধা হবে। কিছু কিছু সুবিধা হয়ত হয়েছে, কিন্তু সুবিধার চেয়ে অসুবিধা অনেক বেশী হয়েছে।

ঋণের দরকার প্রত্যেকেরই হয়। কারও কম কারও বেশী। এখন দরিদ্র কৃষকদের এই কয় বৎসর যে ভাবে চলছে তাতে তাদের দারিদ্রের মাত্রা অনেক বেড়ে গেছে। বর্ত্তমান society র আবহাওয়ার দিক থেকেও লোকের standard of living অনেক বেড়ে যাচ্ছে। অথচ আয় কমে যাচ্ছে। আজকাল কৃষকের ঋণ পাওয়ার কোথাও উপায় নাই। ঋণ কর্ত্তে হলে কৃষকের জমি একেবারে বিক্রয় করে দিতে হয়। অবশ্য মহাজনরা বলেন যে তোমরা মনোমত হারে সুদ দাও পরে জমি ফিরিয়ে দেওয়া হবে। এই আশ্বাস দিয়ে কোবলা কার জমি নিচ্ছে। আর কৃষকদের সঙ্গে সঙ্গে বর্গা কবুলিয়ৎ করে সেই জমি চাষ কর্ত্তে হচ্ছে। তার ফলে কৃষকরা প্রতিদিন তাদের জমি থেকে বঞ্চিত হচ্ছে। এই পুরুতর অবস্থা দৈনন্দিণ সৃষ্টি হচ্ছে। এই অবস্থা যত বেশীদিন চলতে থাকবে ততই কৃষকদের অবস্থা শোচনীয় হতে শোচনীয়তর হতে থাকবে। যখন এই আইন করা হয় তখন তার উদ্দেশ্য ছিল যে কৃষিজীবিদের এর দ্বারা সুবিধা হবে। কিন্তু প্রকৃত পক্ষে গভর্ণমেণ্টের এই প্রসঙ্গে অন্য যে সমস্ত ব্যবস্থা করা উচিত ছিল তা না করার জন্য কৃষকদের অবস্থা খারাপ হচ্ছে।

একদিকে এই আইনের দ্বারা মহাজনদের ধ্বংসের ব্যবস্থা হয়েছে। মহাজনরা যদি খারাপ হয় তাদের ধ্বংস করুণ, তাতে কারোও কিছু আসে যায় না। আমি চাই মহাজন বলে কোন একটা শ্রেণী একেবারে থাকবে না। আমি চাই যে দেনা পত্তর যার যা আছে একেবারে আইনের এক আঘাতে সমস্ত ধুয়ে মুছে পরিস্কার হয়ে যাক। গভর্ণমেণ্টের যদি সাহস থাকে এই রকম আইন করুণ। কিন্তু এই ভাবে বাঁচাবার নাম করে তিলে তিলে মারবার অধিকার গভর্ণমেণ্টের নেই। এই রকম ব্যবস্থা করা গভর্ণমেণ্টের উচিৎ নয়।

এই ব্যবস্থার ফলে দরিদ্র কৃষকশ্রেণী মহাজনদের কবলে আরও বেশী করে এগিয়ে যাচ্ছে—বেরুবার কোন উপায় নেই। জমি জমা সব নিঃশেষ হয়ে যাচ্ছে। এর প্রতীকারের ব্যবস্থা কেন করা হয় না। যেমন মহাজনদের শেষ করার ব্যবস্থা হয়েছে সেই সঙ্গে সঙ্গে যদি গ্রামে গ্রামে ইউনিয়নে ইউনিয়নে গভর্ণমেণ্ট থেকে নূতন নূতন ব্যাঙ্কের সৃষ্টি করে কৃষকদের ঋণ দেবার ব্যবস্থা হইত তাহলে তাদের এই দুরবস্থা হইত না। তার পরিবর্ত্তে তাঁরা এমন একটা জিনিষ খাড়া করেছেন যার ফলে বড়লোক শ্রেণীর যারা তারা তাদের বিলাসিতার জন্য, রেস খেলার জন্য এবং সুকর্ম্মের নাম করে নানারূপ অপকর্ম্ম করার জন্য সুবিধা পাচ্ছেন, বটে কিন্তু প্রকৃতপক্ষে যারা অত্যন্ত দরিদ্র কৃষক শ্রেণীর ঋণী ব্যক্তি তাদের রক্ষা করার জন্য আইন করা হয়েছিল। কিন্তু দুঃখের বিষয় তাদের নামে তাদের মন্দই হচ্ছে বেশী। সেই জন্য মন্ত্রীমহাশয়ের এবং গভর্ণমেণ্টের এই দিকে দৃষ্টি আকর্ষন করবার জন্য এবং এই অবস্থার যাতে অতি সত্বর প্রতিকার হয় তার জন্য আমার এই Amendment আনা হয়েছে।

Sj. NARENDRA NATH DAS GUPTA: I beg to move that before clause 2(*a*) the following be inserted, namely:—

"(*a2*) sub-clause (*rr*) of sub-section (*8*) of section 2 shall be omitted".

আমাদের এই আইন যখন রচনা করা হয় তখন বলা হয়েছিলো যে, কৃষকদের বাঁচাবার জন্য এটা হচ্ছে, কিন্তু কৃষক যদি খাসমহলের প্রজা হয়, কিম্বা কোর্ট অফ্ ওয়ার্ডের অধীনস্থ ষ্টেটের প্রজা হয় অথবা কো-অপারেটিভ্ সোসাইটি থেকে টাকা ধার করে তাহলে তাদের বাঁচার আর কোন অধিকার নাই। এই আইনে এইটে স্বীকার করা হোয়েছে যদি কো-অপারেটিভ্ সোসাইটি বা ঐ জাতীয় যে সব প্রতিষ্ঠান তাদের যদি কোন টাকা পাওনা থাকে তাহলে সে টাকা সম্বন্ধে এ আইনের কোন সুযোগ সুবিধা লাভ করবার বিন্দুমাত্রও উপায় থাকবে না। বাংলাদেশে বর্ত্তমানে কৃষকদের মধ্যে প্রায় এক কোটি টাকা আদায় হয় বাস মহীল থেকে। তাহলেই দেখা যাচ্ছে যে, কৃষকদের মধ্যে একটা উল্লেখযোগ্য অংশ আইনের এই ধারা অনুসারে বঞ্চিত হবে Debt Settlement Board এর সুযোগ সুবিধা থেকে। অবশ্য যদি এই কথা হয় যে, যাদের জমিদার আর মহাজনের মধ্যে দেনা, তারাই সুবিধা পাবে, আর যাদের তা নয়, তারা কোন সুবিধা না পাক তাহলে এই দাঁড়ায় যে, শেয়ালের কবলে যারা পড়ে তাদের রক্ষার পথ আছে কিন্তু বাঘের কবলে যারা পড়ে তাদের আর উপায় নাই। এবং এই যুক্তি দিয়ে খাসমহলের প্রজাদের এই আইনের সুযোগ থেকে বঞ্চিত যাতে না করা হয় সেই জন্য আমার প্রস্তাব এই যে sub-clause (*rr*) of sub-section (*8*) এই ধারা থেকে একেবারে উঠিয়ে দেওয়া হোক। এটা আমি চাই এই জন্য যে, খাসমহালেরই হোক, আর কোর্ট অফ্ ওয়ার্ডেরই হোক বা আর যেখানকারই হোক না কেন যাতে সমস্ত কৃষকই ঋণের দুর্ব্বহ ভার থেকে মুক্ত হোতে পারে সেই ব্যবস্থাই হওয়া উচিত। কাজেই এই আইনের উদ্দেশ্য যদি সিদ্ধ কোরতে হয়, তাহলে এই ধারাটা একেবারেই তুলে দেওয়া একান্ত কর্ত্তব্য।

Sj. NARENDRA NATH DAS GUPTA: I beg to move that clause 2(*a*) be omitted.

আমার যা কিছু বলবার ছিল তা পূর্ব্বেই বলেছি আমার আর কিছু বলবার নাই।

Mr. RASIK LAL BISWAS: I beg to move that clause 2(*a*) (*rr*) be omitted.

আমি move করছি— clause 2 (*a*) (*rr*) omit করা হোক।

এখানে বলা হচ্ছে কারা এই আইনের আমলে আসবে। Co-operative Society র কাছে যে সমস্ত দেনা আছে সেগুলিতে এ আইন প্রযোজ্য হবে না। আমার উদ্দেশ্য হচ্ছে, সেগুলিকেও বাদ না দেওয়া অর্থাৎ Co-operative Society র দেনাও Debt Settlement Board এর আমলে আসুক। কারণ Co-operative Society র অত্যাচারের বিষয় আমরা সকলেই জানি, যেহেতু গভর্ণমেণ্ট থেকে বা গভর্ণমেণ্টের তরফ থেকে ধারটা দেওয়া হোয়েছে সেই কারণে সে ধারের টাকাটা হাড় ভেঙ্গে আদায় কোরতে হবে, কিন্তু মহাজনদের ধারের বেলায় কৃষকদের মহাজনের কবল থেকে বাঁচাতে হবে এটা বোঝাতে পারব না। তাই আমার মতে সকল ঋণী এবং ঋণদাতা একই শ্রেণীস্থ কোরে সকলেই সমানভাবে বিচার পাক, এই আমার বক্তব্য।

Mr. SPEAKER: Mr. Sanyal you had better move your amendments Nos. 18, 20 and 21 together.

Mr. SASANKA SEKHAR SANYAL: I beg to move that in clause 2(*a*) (*ii*), line 3, the word "and" be omitted.

I beg also to move that in clause 2(*b*) in line 3, after the words "under the law" the words "or any amount of which such barred or irrecoverable amount is the consideration" be inserted.

I beg further to move that in clause 2(*c*) in proposed sub-clause (*vii*), after the words "Union Committee" the words "as also any fee realisable as such tax or rate" be inserted.

So far as my motion No. 18 is concerned my proposal is only to improve the drafting of the clause. In moving my motion I crave the indulgence of the Hon'ble Minister to the section of the Act itself. In sub-clause (*4*) clause 8 there are two different items, one sub-section (*1*) of section 28 and the other arrears of rent, etc. Both are independent and they are so remote that the insertion of "and" there does not create any difficulty, but here in the proposed new section, (*b*) and (*c*) are so alike that the Board might have to interpret them as two different portions of the same condition. Instead of being (*a*), (*b*) and (*c*), three isolated independent factors, (*b*) and (*c*) would be practically interpreted as two different portions of the same condition. That will create difficulties which it is wise to do away with.

Now, Sir, so far as 20 is concerned I have only proposed to extend the operation of the amendments, because in the amendment I have suggested that after the words "under the law" the words "or any amount of which such barred or irrecoverable amount is the consideration" should be inserted, because you know, Sir, that new contracts are resorted to and claims which are awarded under the law are excluded from operation by execution of new contracts. Therefore, we should make it wider and more comprehensive so that the purpose of the Select Committee report is amply served.

So far as my amendment 21 is concerned, I think the Hon'ble Minister-in-charge will agree with me that there are certain rates which are realised by the Union Boards as taxes or rates, viz., court-fees—court-fees payable to the Union Board or fees payable to the Union Benches. Therefore, I think the Hon'ble Minister-in-charge should not raise any objection to the proposal made in amendment 21 because of section 99 of Village Self-Government Act. There the Union Board court-fees and Union Bench court-fees are realised as taxes and rates. Similarly, coming to the Bengal Municipal Act, Sir, you know that when there are jungles or some kind of nuisance in or near a particular holding, the Municipality serves the owner or the occupier with a notice to remove it, and if the occupier, or the owner does not clear the nuisance the Municipality has to do that itself, and the cost is realisable from the occupier as municipal tax. So there must be an extension also in that direction

as in sections 453 and 455 of the Bengal Municipal Act. I have practically proposed to extend the operation of the Select Committee report.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 2(*c*) after proposed sub-clause (*viii*), the following be added, namely:—

"and,

(*viii*) any debt incurred for the purposes of trade and industry including tea-plantation."

Sir, the object of my amendment is to exclude the loans incurred for the purpose of trade and industry including tea-plantation from the operation of the Bengal Agricultural Debtors Act. Sir, the members of this House are quite aware that while we discussed the Bengal Money-lenders Bill during the last session we all agreed that the commercial loans should be excluded from the operation of the Money-lenders Bill. Sir, according to the very same principle, I put up my case for excluding the commercial loans from the operation of the Bengal Agricultural Debtors Act also. My reasons are these. It is needless to mention in this House to-night, because I trust that all the members are aware, that in spite of the best intentions of the legislature to enact the Bengal Agricultural Law, the purpose of the Act has been frustrated owing to the absence of sumultaneous provision for rural credit, and that the effect has been so bad that to-day while the Bengal Agricultural Debtors Act is in operation, there being no provision for rural credit the poor agriculturists are being forced to sell their lands for cash money by making an out-and-out deed of sale, where they could raise the same amount of money by loans; not only that, Sir, they are also being forced to sell all the little silver that their female folk have had in their possession. Sir, I am aware of several such instances which occured last year at the time of sowing. I saw with my own eyes in a local *hat* that the Baniks of of the countryside went to the local *hats* with bags and silver coins. These silver coins were given to the agriculturists and in return all the little silver that each agriculturist had in his house and brought to the local market was sold to the Baniks. In this way the agriculturists had to raise money for purchasing seeds therewith. There was no loans coming to them either from the Government or from the public, as a result whereof their lands and silver were to be sold. That has been the real situation in the rural areas.

Now, Sir, this Act has had another bad effect on trade and industry. Sir, many traders and industrialists in the countryside—not only in the countryside but in the urban area also—have taken shelter under the Bengal Agricultural Debtors Act and put the persons from whom

they used to borrow money for the purpose of trade and industry into difficulties, and the result has been that the traders and industrialists in the mufassil are not getting any more loan for the purpose of their trade and industry. Sir, this has had not only a very bad effect on the existing traders and industrialists, but has also produced a far-reaching effect upon the future traders and industrialists. That is undoubtedly a very horrible picture of the economic life in our country. Sir, there are many persons to-day who want to earn their livelihood by carrying on trade and industry. They want money, but when they go to borrow money they are refused. I am not exaggerating a bit. Since the introduction of the Bengal Money-lenders Bill and also since the operation of this Bengal Agricultural Debtors Act began, the credit supply has become very much choked and, as far as I am aware, a very small number of monetary loan transactions have taken place throughout the province. The result has been very much disastrous not only to agriculture but also to trade and industry. That is a well known fact and I believe that no member even on my opposite will be able to conradict me when I say that the operation of the Bengal Agricultural Debtors Act and the impending Money-lenders Bill have very much terrified the money-lenders and created a panic that no lender will get back his money; the result has been that nobody is getting money as loan. Sir, without loan neither trade nor industry can be carried on in our province. So, Sir, I submit that from the economic point of view, we should all vote in favour of excluding these commercial loans from the operation of the Bengal Agricultural Debtors Act.

Sir, the members on my opposite may ask, will that be of any benefit to the agriculturists? In reply I should say, Sir, that will surely benefit the agriculturists also. To many agriculturists in this province to-day, agriculture is no longer a dependable means of livelihood. Even within the last two weeks while I had been on tour in my constituency I heard from the rural people that to supplement their income they have been very much eager to carry on small trade and rural industry, but they have not been able to carry on that, because of want of money. Sir, there are many agriculturists whose families could be saved from the jaws of starvation if their income could be supplemented by enabling them to carry on trade and industry in the rural areas. If we exclude trade and industry from the operations of the Bengal Agricultural Debtors Act, that will certainly be to the benefit of the agriculturists, who after this exclusion will get loans in the mutassil as advances for carrying on trade and industry, and thus they may be saved. The economic life in the rural area is very much shocking. We have found that the vast majority of the agricultural families are not able to carry on even for four months in a year, living on agriculture alone which they are pursuing to-day,

because the average holding has become very small. The average holding to-day, I believe, is not more than three bighas, and we all quite realize how an agriculturist's family can carry on throughout the year with the produce of three bighas of land even if the maximum crop could be produced on that land and even if the maximum value could be obtained for its crop. When that is the real position, the legislature should keep the door of trade and industry open to the rural people also and for that purpose, Sir, the loans for trade and industry must be excluded from the operation of the Bengal Agricultural Debtors Act. I hope my friends on the opposite will support me at least in this respect.

Maulvi ABDUL WAHED: মাননীয় সভাপতি সাহেব—আমি আমার বন্ধু বাবু রসিকলাল বিশ্বাস মহাশয়ের motion মোশন সমর্থন করে কয়েকটি কথা বলতে চাই। এই পরিষদের গত অধিবেশনে মহাজনী আইন যখন পাশ হয় এবং যখন এই আইনের আওতা থেকে কো-অপারেটিভ ব্যাঙ্কগুলিকে বাদ দেওয়া হয় তখন তার প্রতিবাদে আমি কিছু বক্তৃতা করেছিলাম। তার সঙ্গে সঙ্গে কো-অপারেটিভ বিভাগের অত্যাচারের কাহিনী কিছু বলেছিলাম। আমি বলেছিলাম বর্ত্তমানে আমাদের উপর এক রকমের বিপদ রয়েছে, আজকে আর একটা বিপদ যাতে আমাদের উপর আসে তার পথ আবিষ্কার করা হচ্ছে। সেই বক্তৃতা দেওয়ার পর আমার বিশ্বাস মাননীয় মন্ত্রী মহোদয় হতে আরম্ভ করে কো-অপারেটিভ বিভাগের সমস্ত অফিসাররা খুব বোধ হয় আমার উপর রেগে গিয়েছেন এবং ইতিমধ্যে আমার যে সমিতি আছে, সেই সমিতিকে তুলে দেবার জন্য নোটীশ দেওয়া হয়েছে। এমন কি সমিতির ইন্‌স্পেক্টার সাহেব ধমক দিয়ে বলেছেন "তোমার কাছ থেকে সমিতির সমস্ত টাকা পয়সা আদায় কোরব"।

সভাপতি মহোদয়—কো-অপারেটিভের দেনা এই ঋণ সালিসী আইনের আওতা থেকে বাদ দেওয়ার ফলে কো-অপারেটিভের দেনা মিমাংসা না হওয়া পর্য্যন্ত অন্য দেনার মিমাংসা হয় না। কো-অপারেটিভের দেনা মিমাংসা করে সালিসী বোর্ড সেটা পাঠান এসিস্টাণ্ট রেজেষ্ট্রার সাহেবের নিকট। তিনি যদি মঞ্জুরি দেন তাহলে সে ডিক্রি বাহাল হয়, তা না হলে বাতিল হয়। তার সঙ্গে সঙ্গে অন্যান্য সমস্ত মহাজনদের সম্বন্ধে যে ডিক্রি হয় তাও বাতিল হয়ে যায়। আমি আমার অভিজ্ঞতা থেকে বলছি আমার জানা এমন একটাও গ্রাম নেই যেখানে কেউ কো-অপারেটিভের দেনা পরিশোধ না করে অন্যান্য দেনার সম্বন্ধে রেহাই পেয়েছে। এক কো-অপারেটিভের দেনা মিমাংসা না হওয়ার দরুণ তারা অন্যান্য দেনার চাপ হতে মুক্তি পাচ্ছে না।

ঋণ লাঘব আইনের অর্থ আমাদের ঋণভার যখন আমরা বহন করতে অসমর্থ হই তখন সেই বোঝা এমনভাবে কমিয়ে দেওয়া হয় যে আমরা তাহা সহজে বহন করতে পারি। এর নামই লাঘব করা বলে আমি বিশ্বাস করি। অর্থাৎ সমস্ত জমা কাটকাট করে যতটা দেওয়ার ক্ষমতা আছে তাই করা হয়। এইরূপে খাতকেরা তাদের ছেলেপিলে নিয়ে, সংসার নিয়ে বার্ষিক আয় পরিশোধ করে রোগের চিকিৎসা ইত্যাদি কার্য্য করে যা তাদের উদ্বৃত্ত থাকে সেইটাকে মূলধন করে সমস্ত দেনা ২০-২৫ বছরে পরিশোধ করবে। আইনটাকে আমরা এইরূপভাবেই জানতাম। এখন দেখছি কো-অপারেটিভের ঋণ মিমাংসা না করা পর্য্যন্ত সালিসী বোর্ডের কোন ক্ষমতা নেই এক পয়সা ছাড়বার। কো-অপারেটিভ সমিতির পঞ্চায়েতদের বা কোন মেম্বারের ক্ষমতা নেই দেনার একটা কানাকড়ি ছেড়ে দেবার।

সকলেই মহাজন। কোথাও বা কতকগুলি লোক একত্রিত হয়ে ব্যাঙ্ক করেছে, আর কেউ বা ব্যক্তিগতভাবে লেনদেন কর্চ্ছে। সকলেই একরকমের পাওনাদার, আর সকলেই একরকমের দেনদার। যারা ব্যক্তিগতভাবে লেনদেন কর্চ্ছে তাদের সুদ ছেড়ে দেওয়া হবে, আর যারা ব্যাঙ্ক হিসাবে লেনদেন কর্চ্ছে তাদের সুদ ছেড়ে দেওয়া হবে, না কেন? এইজন্য বলি যদি কো-অপারেটিভের দেনা এই আইনের আওতার ভিতর আনা না হয় তাহ'লে ঋণ সালিসী আইন করা হলে তার কোন অর্থ থাকে না। এতে দীন দরিদ্র কৃষকের কোন উপকার হবে না। সেইজন্য আমি জোরের সহিত এই মোশনকে সমর্থন করি। আমি এই পরিষদের মেম্বরগণকে এবং মাননীয় মন্ত্রীমহোদয়কে অনুরোধ কর্চ্ছি তাঁরা যদি বাংলার কৃষক সমাজকে ও বাংলার জনসাধারণকে বাঁচিয়ে রাখা দরকার মনে করেন তাহ'লে এ সম্বন্ধে দ্বিধা করবেন না। তারা যাতে ঋণ মুক্ত হ'তে পারে এবং এক পেট খেয়ে নানারকম জিনিষ উৎপন্ন কর্ত্তে পারে সেইভাবে তাদের শক্তি দেওয়া উচিৎ। কাজেই আমি বিশেষভাবে অনুরোধ কর্চ্ছি যাতে এই আইনের ভিতর কো-অপারেটিভ ব্যাঙ্ক পড়ে। এই কৃষক সমাজ না বাঁচলে কেউ বাঁচবে না। কৃষকেরা কামধেনুস্বরূপ। যেমন গাভীর দুধ না পেলে বাছুর মরে যায়, তেমনি কৃষকেরা বেঁচে না থাকলে সমাজে কেউ বাঁচবে না।

The Hon'ble Mr. Mukunda Behary Mullick rising:—

Mr. SPEAKER: How long, do you think, you will take to reply?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: About 20 or 25 minutes, Sir.

Mr. SPEAKER: I have been requested by a very large number of members that to-day being the first day of the Session they would like to leave the House a bit earlier. So the Hon'ble Minister may reply to the debate to-morrow.

Adjournment.

It being 7-30 p.m.—

The House was adjourned till 4-45 p.m., on Tuesday, the 28th November, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 28th November, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 213 members.

STARRED QUESTION

(to which oral answer was given)

Punishment of Excise vendors.

*4. **Maulvi AULAD HOSSAIN KHAN:** Will the Hon'ble Minister in charge of the Forests and Excise Department be pleased to state—

(*a*) whether it is a fact that Excise vendors are punished on the report of Sub-Inspectors and Inspectors of Excise;

(*b*) whether any enquiry is made on the report; and

(*c*) whether any opportunity is given to the vendors to explain their position?

MINISTER in charge of the FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) No; but proceedings are instituted on such reports.

(*b*) Yes.

(*c*) Yes, invariably.

UNSTARRED QUESTION

(answer to which was laid on the tabl

Fixation of price, and accuracy of weighment, of canes in sugar mills of Bengal.

2. **Mr. SASANKA SEKHAR SANYAL:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware

that there is no fixation of price, and accuracy of weighment, of canes in sugar mills of Bengal especially in those at Beldanga and Plassey in Murshidabad?

(*b*) If the answer to (*a*) is in the affirmative, are the Government contemplating taking steps in this matter?

MINISTER in charge of the ACRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) I am aware that there has been no fixation of a minimum price for sugarcane. I have no information regarding accuracy or otherwise of weighment in the sugar mills nor have I any particular information in regard to the mills at Beldanga and Plassey in the district of Murshidabad.

(*b*) Yes.

Mr. SASANKA SEKHAR SANYAL: With reference to answer (*b*), will the Hon'ble Minister be pleased to tell us what steps are contemplated?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am considering whether a committee should be appointed to investigate into some of the matters referred to in the question. As regards the subject of fixation of minimum price, I am considering whether action can be taken separately even without reference to a committee.

Mr. SASANKA SEKHAR SANYAL: In view of the large number of ordinances that have been passed over similar matters, is the Hon'ble Minister considering the desirability of issuing an ordinance in this matter also?

The Hon'ble Mr. TAMIZUDDIN KHAN: As the Assembly is now in session no question of issuing an ordinance does arise.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister considering the desirability of taking steps in the course of this session regard being particularly had to the fact that the price of sugar has already gone up and more particularly in view of the fact that similar steps have been taken in the sister provinces?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes; I have already answered that steps will be taken.

Mr. SASANKA SEKHAR SANYAL: In the course of the session or not?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have already taken some steps.

Mr. SASANKA SEKHAR SANYAL: May we know what are the steps that have already been taken, so that we can understand in what direction they are?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am examining whether it is desirable under the present circumstances to fix a minimum price for sugarcane in this Province.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether his attention has been drawn to the steps taken by the Bihar Government?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that last year and the year before canes were purchased on the basis of contract at such a low price as 4 annas 9 pies only?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know what the exact price was but the price was low.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that even after paying 8 annas in the Province of Bihar, the sugar mills are making profit, whereas in Bengal the price is not above 4 annas 6 pies?

The Hon'ble Mr. TAMIZUDDIN KHAN: I think, Sir, the statements are not all correct. As regards the amount of profit that is being made by Bihar, I am not aware of it. As regards the price prevailing in Bengal as stated by my friend, I think the statement is not quite correct.

Mr. SASANKA SEKHAR SANYAL: After receiving this question did the Hon'ble Minister make any enquiry from these two particular mills which have been referred to in the question to ascertain what was the average price per maund paid by the mills last year and the year before?

The Hon'ble Mr. TAMIZUDDIN KHAN: That was not the question at all. I had no business to enquire into the matters which were not the subject-matter of this question.

Mr. SURENDRA MOHAN MAITRA: In answer (*a*) you have said "I have no information regarding the accuracy or otherwise of weighment in the sugar mills". May I know whether the Hon'ble Minister has got any complaint from the Secretary of the Rajshahi District Congress Committee regarding the inaccuracy of the weighment in several places?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am not aware of any.

Mr. SASANKA SEKHAR SANYAL: In view of this question and of the several complaints that have been made on the floor of this House regarding weighment, is the Hon'ble Minister considering the question of making a stricter control of weighment, so that mills do not make undue profit at the expense of the cultivators so far as weighment is concerned?

The Hon'ble Mr. TAMIZUDDIN KHAN: First of all it has to be found out by enquiry whether the allegations are correct or not. It would then be for me to consider what steps should be taken.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether he is considering the question of making an enquiry in this matter also?

The Hon'ble Mr. TAMIZUDDIN KHAN: That is the very first answer that I gave.

Mr. SASANKA SEKHAR SANYAL: That is with regard to the price only.

The Hon'ble Mr. TAMIZUDDIN KHAN: No.

Mr. SASANKA SEKHAR SANYAL: In connection with this matter will the Hon'ble Minister also consider that since Government is placing restriction on jute cultivation, sugarcane forms a very good substitute and unless a price is fixed immediately, restriction on jute will also suffer?

The Hon'ble Mr. TAMIZUDDIN KHAN: That is a question of opinion.

Adjournment motion.

Mr. SPEAKER: I might announce that after hearing the Hon'ble Home Minister and Rai Harendra Nath Chaudhuri I have decided to admit the adjournment motion of Rai Harendra Nath Chaudhuri regarding the notification which was referred to yesterday. I think the best time will be immediately after the prayer interval, provided the leave of the House is given. I think Mr. Chaudhuri will now move his motion, so that the necessary leave of the House may be obtained.

Rai HARENDRA NATH CHAUDHURI: I beg leave to move that the business of the House do adjourn for the purpose of discussing a definite matter of urgent public importance and of recent occurrence, viz., the situation that has arisen on account of the prohibition of public processions, meetings or assemblies by notification No. 4783 P., dated the 5th September, 1939, issued under sub-rule (7) of rule 56 of the Defence of India Rules made under section 2 of the Defence of India Ordinance, 1939.

Mr. SPEAKER: Leave has been asked for by Rai Harendra Nath Chaudhuri to move the adjournment motion which he has read out. Is it the pleasure of the House that leave should be given?

The Hon'ble Khwaja Sir Nazimuddin objecting, a count was held and as more than the requisite number of members rose in their seats the leave was given.

Mr. SPEAKER: I now fix the time for discussion of the adjournment motion immediately after the prayer interval or say, about 5-35.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I take it that this ruling of yours is given on the basis of an exceptional case?

Mr. SPEAKER: As a matter of fact I explained the whole thing to Sir Nazimuddin that every case has to be decided on its merits. So far as this particular motion is concerned, it is to be confined strictly to the issue as to whether the notification should have been issued or not. The question of the execution of the notification, viz., how the particular notification is being administered, is not an issue in this adjournment motion. The real issue is whether the right of the people has been affected by this notification.

As regards the other matter, I might say that this should be treated on its merits. So far as your first point is concerned, ordinarily it will depend upon the circumstances as to whether the member has or has not an opportunity to discuss this matter in other

normal ways. If those opportunities are available, certainly adjournment motions are not usually permissible, but every case has to be treated on its own merits and according to circumstances.

Dr. SURESH CHANDRA BANERJEE: Mr. Speaker, Sir, আমার একটা adjournment motion ছিল। আমি সেটা এখন move করতে পারি কি ?

Mr. SPEAKER: I think in view of an adjournment motion having already been admitted by me which will be coming up for discussion this evening, it does not arise because two adjournment motions cannot be taken up on the same day.

COVERNMENT BILL.

The Bengal Agricultural Debtors (Amendment) Bill, 1939.

Maulvi ABDUL HAMID SHAH: আমার কিছু বক্তব্য আছে এই amendment এর উপর, মিঃ খগেন্দ্র নাথ দাসগুপ্ত যে amendment এনেছেন তাতে তিনি বোলেছেন এই কথা যে, যারা নাকি really কৃষিজীবি অর্থাৎ কেবল কৃষি কার্য্যই যাদের জীবিকা নির্ব্বাহের একমাত্র অবলম্বন এবং যারা নিজ হাতে লাঙ্গল ধোরে ভূমি চাষ করে সুধু তাদেরই জন্য এ আইন আমলে আসবে, আর সকলকে এ আইন থেকে বাদ দিতে হবে। আমি তাঁর এই প্রস্তাবের প্রতিবাদ কোরছি। এই আইন প্রণয়ণের মূল কারণ হোচ্ছে Provincial Banking Enquiry Committee'র report ওঁরাই enquiry কোরেছিলেন যে, বাংলার কৃষকদের ঋণের পরিমাণ কত! এবং সেই ঋণথেকে বাংলার কৃষকদের কি কোরে মুক্ত করা যেতে পারে। তখন—মিঃ খগেন্দ্র নাথ দাসগুপ্তকে জানিয়ে রাখছি, তখন এমন কথা হয় নাই যে, যারা হাতে লাঙ্গল ধোরে ভূমি চাষ করে কেবল তাদের ঋণের পরিমাণ নির্দ্ধারণ কোরে তাদের উদ্ধারের জন্য এ আইন করা হবে।

Mr. SASANKA SEKHAR SANYAL: Is the honourable member entitled to speak on a motion which has not been moved.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: He is speaking on the amendment moved by Mr. Narendra Nath Das Gupta.

Mr. SASANKA SEKHAR SANYAL: But Shah Sahib refers to the amendment moved by Mr. Khagendra Nath Das Gupta which, as a matter of fact, has not been moved at all.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No, he is speaking on the other amendment.

Maulvi ABDUL HAMID SHAH: যারা নিজ হাতে লাঙ্গল ধোরে জমি চাষ কোরবে কেবল তারাই যাতে কৃষক বোলে সাব্যস্ত না হয়, সেই জন্য আমাদের আইনে রয়েছে— যাদের main source of income হোচ্ছে কৃষি তারা যাতে ঋণ হোতে মুক্ত হোতে পারে

সেই জন্যই এই আইন। আমি বাংলাদেশকে খুব ভাল রকম জানি। কেবল নিজের হাতে লাঙ্গল দিয়ে ভূমি চাষ করে তাদেরই যদি কৃষক বলা হয় তাহলে যে বাংলাদেশের অধিবাসীর মধ্যে শতকরা ৯০ জনই কৃষক, সেই ৯০ জনের মধ্যে ৪০ জনের অধিক লোককে কৃষক বলা চলবে না। আর অবশিষ্ট ৫০ জন যারা নিজে হাতে ভূমি চাষ না কোরে চাকরের দ্বারা কিংবা বর্গাদারের দ্বারা চাষ করায় অথচ যাদের main source of income হচ্ছে সেই কৃষি, তারা আইনের সীমা হতে বাইরে পড়ে যাবে। (A member from the Congress side তাহলে জমিদারও তার মধ্যে পোড়তে পারে।) আমি এ বিষয় এই হাউসের এবং বিশেষ কোরে দাসগুপ্ত মহাশয়ের মনোযোগ আকর্ষণ কোরছি; তিনি যদি একটু চিন্তা কোরে দেখেন, তাহলে সহজেই বুঝতে পারবেন যে, যদি শুধু লাঙ্গলধারী কৃষকদের জন্যই এ আইনটা হয়, তাহলে বাংলাদেশে সালিশী বোর্ড দরখাস্তকারী পাওয়া কঠিন হবে। তাহলেই দেখা যাচ্ছে চাষী সম্বন্ধে নিজের হাতে ভূমি চাষকারী বোলে একটা পার্থক্যের কোন যুক্তি আছে বোলে আমি মনে করি না। এবং একথা আমি পূর্বেই বলিয়াছি বাংলাদেশের যে শতকরা ৯০ জন কৃষক, তারা সবাই লাঙ্গলধারী নয়। মাত্র ৪০ ভাগ লাঙ্গলধারী। তাছাড়া যারা নিজ হাতে লাঙ্গল ধোরে ভূমি চাষ না করে অন্য দ্বারা কৃষিকার্য্য চালাইয়া জীবিকার্জ্জন করে আমরা যদি তাদের বাদ দিই তাহলে অসঙ্গত কাজ করা হবে। আমি আশা করি দাসগুপ্ত মহাশয় যারা মধ্যবিত্ত শ্রেণীর লোক, যারা আজ কোন রকমে টিকে আছে অথচ যারা বাংলার লাঙ্গলধারী কৃষকদের বাঁচিয়ে রেখেছে তাদের মেরে বাংলাকে শ্মশানে পরিণত কোরবেন না এবং আমাদের মধ্যে একটা party feeling ঢুকিয়ে দিয়ে আমাদের সর্বনাশ কোরবেন না।

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Mr. Speaker, Sir, having listened to this debate over this clause I find that I am in a very unfortunate position as I cannot agree with any of the amendments moved and I have to oppose all of them. But I hope that after the little explanation that I am submitting it will be possible for my friends to withdraw other amendments.

With respect to amendment No. 6 moved by Mr. Narendra Nath Das Gupta [illegible] the answer given by my friend Maulvi Abdul Hamid Shah meets all his points and after that I do not think it is necessary for me to say anything except this that it is the desire of Government that relief should be given to the agricultural debtors. If there has been any misuse or abuse of the provisions of this Act and if anybody is aggrieved he has got the right of appeal to proper quarters under the provisions of the Act. Again, if an application is undesirable, section 17 of the Act gives ample jurisdiction to refuse it on the ground that it is undesirable or that it is not a practicable question.

With regard to the anxiety felt by my friend, Mr. Steven, I think I can assure him that I am in entire agreement with the views that he has expressed but the remedy lies not in the amendment contemplated by him. It only lies in the proper administration of the existing law, and if it is properly administered there ought not to be any difficulty. Over and above that, I submit that Government have fixed by rules the maximum amount that can be dealt with by a Debt Settlement Board. We are unable to restrict the definition any further, and I

think that will satisfy my friend Mr. Steven. Along with that I can tell him further that if there is anything wrong the matter can be settled on appeal. The amending Bill contemplates a further application for revision against the order of the appellate officer to the District Judge. There it may be one of the grounds for setting aside or modifying the order made by the Board. I submit therefore, Sir, the remaining portion of Mr. Steven's amendment which is practically what we have got in the existing Act, section 2 (9) excepting that in subclause (a) it seeks to add the meaning of the word "Raiyat" under the Bengal Tenancy Act, 1885, becomes unnecessary. The definition has been taken from the Bengal Tenancy Act and therefore it is not necessary to include it here. I think the explanation I have given will satisfy my friend, Mr. Steven, and he might be pleased to withdraw the amendment he has moved.

Now, Sir, my friend Mr. Sasanka Sekhar Sanyal said this expression, namely, what appears in clause 2(al) be omitted; thereby he seeks to come back to the existing definition that we have and would not like to have the debts or liabilities that a debtor may incur after the 1st January, 1940, to be excluded. But one of the grounds that I have not been able to follow aright was this, that the Boards have been established not all at the same time but from time to time, and if a debtor is allowed to come before the Board at all why should he be restricted to his debts incurred before January, 1940, or perhaps his apprehension was that he was precluded from having the benefit of the Act. I submit, Sir, that he is not precluded from coming before the Board, but what is designed to be done is that whatever liability he may incur after 1st January, 1940, will not be included in the application for settlement by the Debt Settlement Board. In order that rural credit might not get still more dried up this assurance was necessary to show that liabilities incurred after 1st January, 1940, would not be the subject matter of settlement by Debt Settlement Boards.

Then, Sir, coming to the amendment of Mr. Rasik Lal Biswas where he seeks to substitute the figure "1939" for "1940" I hope he will realise the practical difficulty of doing so. If Government accept his amendment, there would be a good deal of dislocation of the existing cases. The cases which include the debts incurred after 1939 will be made still more difficult. Further I feel that the House will consider the position that some notice is to be given to the parties concerned so that they may know the exact situation. From that point of view we thought that 1st January, 1940, should be fixed as the date to give sufficient notice to all concerned.

Then again, Sir, my friend Mr. Narendra Nath Das Gupta in moving amendment No. 14 and the next few ones—I submit without any disrespect to him—was rather under a misapprehension. If he reads

clause 2(*c*) in the Bill along with the existing section 2, sub-section (8), sub-clause (*cc*), he will find that it is really an exception. It reads thus "any amount recoverable as a public demand", that is to be excluded from the meaning of the term "debt". That all public demands will not come within the purview of the definition of "debt", but there again excepting some amounts which are also recoverable as public demands, sub-clauses (*a*) and (*b*) of sub-clause (*cc*) mention two items which are in the nature of public demands but which are not excluded from the operation of this Act. These two exceptions really lead us to this position, that although they are public demands they can be dealt with under this Act. To those exceptions we seek to add one further whereby we seek to include within the operation of this Act any demand that may be made by a liquidator after liquidation of a certain co-operative society, the dues of which can only be recovered as a public demand but will not be excluded from the operation of this Act.

Then, Sir, my friend Mr. Rasik Lal Biswas and my other friend from Mymensingh Bokainagari Saheb are rather under a misapprehension that debts due to co-operative societies are to be exempted from the operation of this Act. Nothing of the kind. On the contrary, we go further and say that even after a society has gone into liquidation the demands of the liquidator will be brought into the purview of this Act, and so far as the existing societies are concerned, to make matters easier and to get speedier settlement of their cases, we have established Special Boards to deal with the debts of the co-operative society members so that their cases might not be delayed along with those who are not co-operative society members.

Then Sir, as regards the amendment No. 18 of my friend, Mr. Sasanka Sekhar Sanyal, suggesting a little drafting-change, I submit that after sub-clauses (*a*) and (*b*) when we seek to add (*c*) this "and" should come between (*b*) and (*c*). Therefore, we have removed this "and" occurring between (*a*) and (*b*) in the existing Act and have placed it between (*b*) and (*c*). So the question of this little drafting-change does not arise.

As regards his amendment No. 20, Mr. Sanyal, I am sure, knows very well, belonging to the legal profession that a time-barred debt is also a good consideration for bond under the provisions of the Contract Act. If it is excluded from the operation of the Debtor Act, a suit can be brought on that bond, and therefore the debtor will not be saved because his properties may be sold in execution of a decree. Therefore, I feel, Sir, that I am unable to agree to the point raised by my friend, Mr. Sasanka Sekhar Sanyal, with regard to this.

Then, Sir, with regard to Mr. Sanyal's amendment No. 21, we had originally in the amending Bill excluded public demands like taxes or

rates due to municipalities or union boards? Now, Sir, the expression "any fee realisable as such tax or rate" is a vague term. So I submit that it is impossible for us to agree to this amendment being accepted.

As regards amendment 22 moved by my friend Mr. Surendra Nath Biswas, I can very well share his anxiety that any trade and industry should be excluded from the operation of this Act. Sir, the language used in this amendment seems to me to be of a rather vague nature, and further it might complicate matters for this reason that if we have an exception for tea plantations, we do not know what other exceptions will have to be made in favour of other trades. Again, I am sure it will satisfy him when I say that now that we are going to exclude any liability to be incurred after the 1st January, 1940, there will be no difficulty for traders or businessmen to go on with their business and to allow more clients to have proper dealings with them; because whatever liabilities they may incur after 1st January, 1940, will not come within the purview of this Act. I feel therefore, Sir, that after this explanation of mine Mr. Biswas will be good enough to withdraw his motion. I think, Sir, that I should not take any more time of the House. I request my friend Mr. Stevens—or my friend Mr. Morgan who is present in the House—to be good enough to withdraw his amendment. With these words I oppose all the amendments.

The motion of Sreejut Narendra Nath Das Gupta that after clause 2(*l*), the following be inserted:

"(*l*) in clause (9) after the words 'a debtor whose' the words 'occupation and' shall be inserted"

was then put and lost.

Mr. GEORGE MORGAN: Amendments Nos. 7 and 8 also stands in my name. In view of the assurance given by the Hon'ble Minister I beg leave of the House to withdraw the motion that in clause 2 in line 1 the expression "clause (9) of" be omitted and in line 3 the expression "of section 8" be restored and after sub-clause (*l*) the following sub-clause be inserted, namely:

(2) for clause (9) the following clause shall be substituted, namely:

"(9) 'debtor' means a debtor whose pecuniary means of livelihood and principal occupation is the cultivation or use, for the purposes of agriculture, of land—

(*a*) in respect of which he is a raiyat or an under-raiyat within the meaning of the Bengal Tenancy Act, 1885, or

(*b*) which he cultivates or uses either himself, or by members of his family, or by hired labourers, or by adhiars, bargadars or bhagdars;

and includes a group of persons who join in making an application under the provisions of sub-section (1) of section 9,"

was then by leave of the House withdrawn.

Mr. SASANKA SEKHAR SANYAL: On a point of order, Sir: Is it in order for a member other than he who moved the motion, to withdraw a motion?

Mr. SPEAKER: I would make an exception. I will allow the member of a party to move for withdrawal in the absence of the other member who had actually moved the motion with a view to give facility, because otherwise a party cannot function as a party but only as a member. Under the circumstances Mr. Morgan is in order to ask for withdrawal of motion 8.

The motion of Mr. Sasanka Sekhar Sanyal that "clause 2(a1) be omitted" was then put and lost.

The motion of Mr. Rasiklal Biswas that in clause 2(a1), line 2, the figure "1929" be substituted for the figure "1940", was then put and lost.

The motion of Sri Narendra Nath Das Gupta that before clause 2(a) [illegible] sub-clause [illegible] of sub-section [illegible] 2 [illegible] be omitted, was then put and lost.

The motion of Sri Narendra Nath Das Gupta that clause 2(a) be omitted was then put and lost.

Mr. RASIKLAL BISWAS: Sir, I beg leave of the House to withdraw my amendment, viz., that clause 2(a)(a) be omitted.

The amendment by leave of the House was then withdrawn.

The motion of Mr. Sasanka Sekhar Sanyal that in clause 2(a)(a), line 3, the word "and" be omitted, was then put and lost.

The motion of Mr. Sasanka Sekhar Sanyal that in clause 2(b), in line 3, the word "and" be omitted, was then put and lost.

which such barred or irrecoverable amount is the consideration" be inserted, was then put and lost.

The motion of Mr. Sasanka Sekhar Sanyal that in clause 2(c) in proposed sub-clause (xii), after the words "Union Committee" the words "as also any fee realisable as such tax or rate" be inserted, was then put and lost.

The motion of Mr. Surendra Nath Biswas that in clause 2(c) after proposed sub-clause (xii), the following be added, namely:—

"and (xiii) any debt incurred for the purposes of trade and industry including tea-plantation."

was then put and lost.

Mr. SPEAKER: That disposes of all the amendments. The question before the House is that clause 2 stand part of the Bill.

The motion was put and agreed to.

Clause 3.

SJ. NARENDRA NATH DAS GUPTA: Sir, I beg to move that clause 3 be omitted.

এসম্বন্ধে বেশী বক্তৃতা দেওয়া অনাবশ্যক। তার কারণ আমরা চাই যে সে সমস্ত মামলা মোকদ্দমা উপস্থিত যাদের নাকি বিচার সম্বন্ধে কিছু জ্ঞান আছে, তাদের দ্বারাই আদালতে এসমস্ত কার্য্য নিষ্পত্তি হয়। কেবল servant of the Crown বোল্লে কিছুই বোঝায় না। যাদের Debt Settlement Board সম্বন্ধে কোন অভিজ্ঞতাই নাই, এরকম বহু servant of the Crown আছেন। এখানেও যাদের বিচার জ্ঞান আছে, তারাই সুবিচার কোরতে পারেন এ বিশ্বাস যদি গভর্ণমেণ্টের না থাকে তাহলে এখন থেকে বিচার বিভাগ তুলে দিলে কোন অন্যায় হবে না। তার কারণ বিচার সম্বন্ধে যাদের কোন জ্ঞান নাই, অভিজ্ঞতা নাই, তারাই বিচার বিষয়ে দক্ষ, বর্ত্তমানে যে আইন হোচ্ছে, তদ্বারা তাই প্রমাণিত হচ্ছে। গভর্ণমেণ্টের বিলে যা আছে যে "যাদের judicial knowledge আছে" বিলের সেইটে বজায় থাকলেই ভালো হয়।

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 3, in line 3, after the words "Servants of the Crown" the words "not below the rank of a Sub-Deputy Collector" be inserted.

Sir, if the motion just now moved by my friend Mr. Narendra Nath Das Gupta is accepted, then I won't press my motion But I do not know what shall be the fate of Mr Narendra Nath Das Gupta's motion. Although I have had the experience that words falling from this side have no value to the members on the opposite, still as in duty bound we shall try to do full justice to the cause that we have undertaken.

Sir, this amendment comes in only when a Board is dissolved, and the Government authorizes an officer to exercise all the powers of the Board in connection with making of awards. Government amendment means when the Government dissolves a Board, powers of the Board shall be given by Government to a particular servant of the Crown. Originally it was that such power should be given to an officer who has had judicial experience. Now Government wants to amend this clause and to substitute——

Mr. SPEAKER: Mr. Biswas, I think you will continue afterwards. I have to adjourn the House immediately for prayer. After the adjournment we shall take the adjournment motion.

[The House at this stage (5-20 p.m.) adjourned for 15 minutes for prayer.]

(After adjournment.)

Adjournment Motion.

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, I beg to move that the business of the House do adjourn for the purpose of discussing a definite matter of urgent public importance and of recent occurrence, namely, the situation that has arisen on account of the prohibition of public processions, meetings and assembly by notification No. 4783P., dated the 5th September, 1939, issued under sub-rule (1) of rule 56 of the Defence of India Rules made under section 2 of the Defence of India Ordinance 1939.

Mr. Speaker, Sir, as it has pleased you to confine the scope of the adjournment motion to the question of the promulgation of the notification only and as I am not entitled under your ruling to refer to the question of the execution of the notification, I am sorry I have to take this question from a very narrow point of view. Now, Sir, it is known to all of us that on the last day of August Germany invaded Poland. On the 3rd of September we were told that Britain declared war on Germany. On that very day, the Defence of India Ordinance was promulgated. Not only the Defence of India Ordinance but along with it a full complement of rules to be exact 132 rules were promulgated as Defence of India Rules. Those rules contemplated restriction of civil rights and prohibition of public activities under no less than 35 heads.

Now the Defence of India Ordinance has subsequently been enacted as the Defence of India Act. But within 48 hours of the promulgation of the original Ordinance without waiting for its enactment, the Government of Bengal thought fit to issue the notification that is in question, the notification prohibiting all public processions, meetings and assembly with an alacrity quite worthy of a better cause than that of suppressing public liberty. Not only that. On the very date of the publication of the notification four Congressmen were arrested in distant Malda for contravening the provisions of the notification.

Now, Sir notice the irony of the thing. In concluding the debates on the Defence of India Bill Sir Muhammad Zafarulla Khan assured the Central Legislative Assembly in the following terms:—

"I at this stage again assure the House that it is not intended to begin with to use every one of these powers with which the Central Government and the Provincial Governments are proposed to be invested by this Bill unless the contingency justifies and calls for the use of these powers".

The Government of Bengal issued the notification within 48 hours as I have said, of the promulgation of the Defence of India Ordinance Rules without giving any reason whatsoever for the promulgation of the notification in question and without waiting for any such "contingency" as Sir Zafarullah Khan contemplated to arise. I therefore charge the Government of Bengal of breach of faith with the public. For there was the assurance of the author of the Defence of India Rules that such a notification would not be issued unless the situation demanded it.

Then, Sir, it will not do to say that the notification does not prohibit all public processions, meetings or assembly, as Sir Nazimuddin remarked and attempted to mislead the House by raising an objection on that ground last evening. Let me refer to the very terms of the notification. The notification numbered 4784P dated the 5th September, 1939 runs as follows:

"In exercise of the powers conferred by sub-rule (1) of rule 56 of the Defence of India Ordinance made under section 2 of the Defence of India Act, the Government is pleased to direct that (1) no public procession, meeting or assembly shall be held for the further purpose of discussion of any subject which is likely to affect prejudicially the public safety, the defence of British India or public order and tranquillity."

Thus the very first paragraph of the notification prohibits all kinds of processions and all manner of public association not only for the purpose of the defence of India as will be noted not only for the successful prosecution of the war but also on grounds of alleged public order and tranquillity. Sir, we all know that the Public Security Act is still in force in Bengal and section 144 of the Criminal Procedure Code is here largely used and abused also. Yet the Government thought it fit to promptly invoke the powers conferred by the Defence of India Rules and take away, with one stroke of the pen, the public right to free movement, meeting and assembly.

Now, Sir, the second paragraph of the notification says that no public procession, meeting or assembly at which there is likely to be any discussion of any subject which may affect the public safety, the defence of British India or", again, "the public order and tranquillity shall be held (a) unless written notice of the intention to hold such procession, meeting or assembly and of the time and place at which it is proposed to hold such a procession, meeting or assembly has been given to the District Magistrate or the Commissioner of Police as the case may be, at least 3 days previously, and (b) unless permission to hold such procession, meeting or assembly has been obtained in writing from the District Magistrate or the Commissioner of Police as the case may be."

Now, Sir, it may be argued that here is a provision not for absolute prohibition but rather for permitting procession, public meeting and association. May be, but the notification, in the first instance takes away the very right, the fundamental right of the people, but as the real object is only to permit such meetings or processions or assembly as suit the government purpose or pleasure, it provides for permitted or licensed meetings so to say.

I can anticipate, Sir, that the European members of this Assembly will speak against this motion and will support the Government. But, Sir, I would ask, rather I would challenge them to find out a single provision of this nature in the corresponding British Acts, the Consolidated Defence of the Realm Act or even the latest Emergency Powers Act which was passed just before the declaration of the war in England or in any order in Council or regulation framed thereunder. There is not a single provision, so far as I know, in any of the British Acts or orders or regulations promulgated there for such universal prohibition of public meetings, etc. Had there been any such provision in any Act or Regulation in force in Great Britain, then at least the Mosley meetings would have been impossible.

Sir, I know that there will be no dearth of votes on the Government side and even European members will come forward to support the Government as if Bengal is nearer the theatre of war than England or Scotland or as if the course of democracy in India demanded more anxious consideration than that of democracy in Great Britain.

Now, Sir, the old Defence of India Act left a very bad taste in the mouths of the Indians. Since 1915, Sir, we had seen what horrors were perpetrated on the nation in the name of defence of India.

Let me, Sir, quote a single extract from Mr. Eardley Norton's preface to the "Laws of the rights and liberties of the Indian people." It is dated 1921. It reads: "The student of Indian psychology will confess that the procedure of the Defence of India Act, 1915, is responsible for much of the present distrust and discontent in this country. No Government can displace ancient and well-grounded landmarks of British justice without planting the seeds of revolutionary hatred."

India has long ceased to believe in British justice, but I have quoted this only to remind the Britishers here of their proud boast and to see whether they care to stand for upholding the so-called British justice.

Then, Sir, there is another remarkable passage in the foreward. Mr. Norton says "It fell to my lot to appear in the year 1915 in Colombo where ordinary rioters free from all political taint were tried summarily by drum head Courts Martial while the ordinary Municipal Courts of Law were open and sitting. "I expressed at the time" (i.e., before the promulgation of the Defence of India Act, 1915) "in a public print, I remember, my thanks to God that I lived in India where such action was, I boasted, impossible. My thanks were, it now appears,

premature. Within 4 years I have lived to witness the Jalliwanwala tragedy." It is just for that reason that I was telling you that the Defence of India Act has a very bad taste in the mouths of the Indians. Now, it cannot be said that the Defence of India Act of 1915 imposed greater disabilities on the people than the present Defence of India Act or the rules promulgated thereunder. The Defence of India Act of 1915, had only two objects in view, namely, it was an Act to provide for special measures to secure the public safety and the defence of British India and for the most speedy trial of certain offences. But if one goes through the Act, he will find that there were provisions for making rules in a very much lesser number of cases and circumstances than in the present Act. The rules that could be framed under the Defence of India Act, 1915, all related either to questions of defence of India, the successful prosecution of war, or to trial by a special tribunal of Commissioners, whereas the rules that have been or can be promulgated under the present Defence of India Act relate, in the name of public order and tranquillity, to all sorts of subjects such as prohibition of processions and meetings, censorship, and other restrictions on civil liberty. That has already been admitted by the mover of the Defence of India Bill in the Central Legislature. He averred that the present Act was an "improvement", on i.e., much more comprehensive than the old Defence of India Act. It did not relate simply to the defence of India——

(At this stage the member reached his time-limit and resumed his seat.)

Dr. SURESH CHANDRA BANERJEE : বক্তৃতার বিষয় মাননীয় সভাপতি মহাশয় অত্যন্ত সঙ্কীর্ণ করেছেন। তিনি বলেছেন শুধু বলতে হবে এই নোটিশ জারী করা কেন অন্যায় হয়েছে। সুতরাং বাধ্য হয়ে সঙ্কীর্ণ গণ্ডীর মধ্যে আমার বক্তৃতা সীমাবদ্ধ করতে হবে। এই নোটিশ জারী করা অন্যায় হয়েছে। এর দ্বারা বাংলার কৃষক ও শ্রমিকদের সর্বনাশ হচ্ছে। এই নোটিশ জারী করার পূর্বে মাননীয় স্বরাষ্ট্রসচীব মহাশয়ের এবিষয়ে বিশেষভাবে চিন্তা করা উচিত ছিল। এই নোটিশ জারী করার পরে বাংলায় কৃষক ও শ্রমিকের সভা সমিতি করা একপ্রকারে অসম্ভব হয়েছে। যাঁরা কলিকাতা সহরের অবস্থার সাথে পরিচিত তাঁরা জানেন পূর্বে কলিকাতা সহরে প্রতিদিন বিকালে প্রায় পার্কে পার্কে শ্রমিকদের সভা হইত। কিন্তু পহেলা সেপ্টেম্বরের পর হইতে শ্রমিকদের প্রায় কোন সভাই কলিকাতায় হয় নাই। গত তিন মাসে কলিকাতায় শ্রমিকদের কতকগুলি সভা হয়েছে জানার জন্য আমি একটি প্রশ্ন পাঠিয়েছি। সে প্রশ্নের এখনো কোন জবাব পাই নাই। তবে আমার বিশ্বাস এক মাসে কলিকাতা ও সহরতলীতে বড় বিশেষ শ্রমিক সভা হয় নাই। তার কারণ এই নয় যে যারা শ্রমিক আন্দোলন চালাতো তারা নিষ্ক্রিয় অলস হয়ে পড়েছে। এর একমাত্র কারণ এই যে এখন এসব সভা করা একরকম অসম্ভব হয়ে পড়েছে। সভা করবার অনুমতি চেয়ে দরখাস্ত করলে অনেক সময়ে তার উত্তর পাওয়া যায় না। মাসের পর মাস চলে যায় কোন উত্তর আসে না। তারপর অনেক সময়ে উত্তর আসে সভা করতে দেওয়া হবে না। দু'এক ক্ষেত্রে সভা করতে যদিও বা অনুমতি দেওয়া হয়, সঙ্গে সঙ্গে এমন রাঙ্গা চোখ দেখান হয় যে meeting করা প্রায় একরকম অসম্ভব হয়ে পড়ে। এইসকল কারণে কলিকাতায় শ্রমিক আন্দোলন একপ্রকার প্রায় বন্ধ হয়ে আছে। শ্রমিকদের দুঃখ দুর্দ্দশা দূর করবার যে উপায় ছিল তার মূলে কুঠারাঘাত করা হয়েছে। এমন কি কোন আন্দোলন

না করলেও অর্ডিনান্স অনুসারে কেন মামলা চালানো হবে না তার কারণ দেখানোর জন্য নোটিশ জারী হয়েছে। এইরূপ নোটিশ বজবজ ও মেটিয়াবুরুজের শ্রমিকদের উপর দেওয়া হয়েছে। অন্যান্য যায়গায়ও দেওয়া হয়েছে। তারা কিছুই করে নাই, শুধু কোন কোন ক্ষেত্রে তারা মিল মালিকদের বলেছে আমাদের কিছু মাইনে বাড়িয়ে দাও। ১৯২৯ সালে যখন বাজারি মন্দার অজুহাতে তাদের মাইনে সপ্তাহে টাকায় ছয় পয়সা করে কমিয়ে দেওয়া হয়েছিল তখন সপ্তাহে ৫৪ ঘন্টা কাজ হইত। গেল বৎসর বাংলা সরকার শ্রমিকদের কাজের ঘন্টা কমিয়ে সপ্তাহে ৪৫ ঘন্টা করার নির্দ্দেশ করেছিলেন। এর ফলে বাংলার ২৪ লক্ষ পাটকলের মজুরদের মাইনে কমে যায়। এরপর এবার মালিকেরা ৪০ ঘন্টা করেছিল। তাতে তাদের অবস্থা আরও খারাপ হয়ে যায়। এখন যুদ্ধ বাঁধার সাথে প্রথম ৫৪ ঘন্টায়, পরে ৬০ ঘন্টা করা হয়েছে।

ডাণ্ডীর চটকলের শ্রমিকদের বেতন শতকরা ২৫৲ টাকা বেড়েছে। কলিকাতার চটকলের শ্রমিকদেরও সেই পরিমাণে বাড়া উচিত ছিল। কিন্তু তাদের মাত্র শতকরা ১০৲ বেড়েছে। কিন্তু তাদেরও শতকরা ২৫৲ টাকা বাড়তে পারত।

কলিকাতার শ্রমিকদের মাইনে যে এখনো শতকরা পঁচিশ টাকা বাড়ে নাই তার জন্য একমাত্র বাংলার মন্ত্রীমণ্ডলী দায়ী।

শুধু কি শ্রমিকের অবস্থাই শোচনীয় হয়েছে? কৃষকের অবস্থাও শোচনীয় হয়েছে। কৃষকেরাও কোন সভা সমিতি কর্ত্তে পারছে না। মন্ত্রীমহাশয় হয়তো বোলবেন যে পাটের দর বেড়েছে। কিন্তু কৃষকেরা পাটের অধিক দর পায় নাই। পাটের দরের সাথে সাথে অন্যান্য জিনিষের দাম, যাহা কৃষকদের নিত্য প্রয়োজনীয়, যেমন নুণ, তেল, কেরোসীন, দিইশেলাই ইত্যাদি, বেড়ে যাওয়ায় কৃষকেরা দুঃখ ভোগ করছে। গ্রামে যান, দেখতে পাবেন কৃষকের বুকভরা কি হাহাকার। তাদের এই হাহাকার জানাবার জন্য সভা করবার অধিকার নেই। সভা করলেই কারণ দেখানোর নোটিশ জারী হইতে পারে।

অতএব আমার বক্তব্য এই যে এভাবে নোটিশ জারী করা উচিৎ হয় নাই। এবং ফলে বাংলার শ্রমিক ও কৃষকদের সর্ব্বনাশ হয়েছে। বাংলার সার্ব্বজনিক ধ্বংস হয়েছে। শুধু কংগ্রেস দল নহে সমস্ত দলই এর দ্বারা আঘাতপ্রাপ্ত হয়েছে। বাংলার সর্ব্বনাশ হয়েছে।

এই কথাটা বলে আমি মাননীয় সভ্যদের কাছে নিবেদন কর্চ্ছি তাঁরা যেন এই মুলতুবী প্রস্তাবটি সমর্থন করে বাংলার সার্ব্বজনিক জীবনকে ধ্বংসের মুখ থেকে বাঁচান।

Sreejut NARENDRA NATH DAS GUPTA? সভাপতি মহাশয়, আমার পূর্ব্ববর্ত্তী বক্তা যে বিষয়টা উপস্থিত কোরেছেন তার সমর্থনকল্পে আমি দুচারটে কথা বোলতে চাই। আমাদের দেশে একটা প্রবাদ বাক্য আছে যে সূর্য্যের চেয়ে বালুর তাপ বেশী। Viceroy এর ভারত গভর্ণমেন্টের পক্ষ থেকে বর্ত্তমান যুদ্ধে ইংরাজ জাতি এবং ইংরেজ সাম্রাজ্য রক্ষা করার জন্য, ভারতবর্ষে যাতে যুদ্ধের বিরুদ্ধে কোন বিদ্রোহ বা বিপ্লব আত্মপ্রকাশ না কোরতে পারে সেই জন্য Defence of India Ordinance জারি করেন; সঙ্গে সঙ্গে তিনি একটু ক্ষমতা দিয়েছেন প্রাদেশিক গভর্ণমেন্টদের; কিন্তু, আমাদের এই প্রদেশের গভর্ণমেন্টের, ভারতবর্ষ রক্ষা, সাম্রাজ্য রক্ষা এবং যুদ্ধের ব্যাপারকে বাদ দিয়ে আর একটা জিনিষ রক্ষা করার প্রয়োজন হোয়ে পোড়েছে এবং সেটা হোচ্ছে নিজেদের রক্ষা। Defence of India এর Act কে কার্য্যে পরিণত করবার জন্যই এই ordinance এর notification তারা জারি কোরেছেন। যাতে বাংলার বর্ত্তমান গভর্ণমেন্টের বিরুদ্ধে কোন সমালোচনা না হোতে পারে, Bengal Government এর বিরুদ্ধে কোন আন্দোলন যত বৈধই হোকনা কেন যাতে আত্মপ্রকাশ না কোরতে পারে, বাংলার জনমত সঙ্ঘবদ্ধভাবে নিজের দাবি সমগ্র জগতের সাম্নে যাতে ঘোষণা কোরতে না পারে, সর্ব্বোপরি বাংলার যে সাম্প্রদায়িক সিদ্ধান্তকে ভিত্তি কোরে কশাসনের ব্যবস্থা হোয়েছে, তার বিরুদ্ধে কোন আন্দোলন যাতে না হোতে পারে সেই জন্য বর্ত্তমান মন্ত্রীসভা এই Defence of India Act অনুসারে বাংলায় নূতন Ordinance জারি কোরছেন। শুধু তাই নয়, সঙ্গে সঙ্গে Bengal Government এর নিজের অযোগ্যতা এবং অপরাধক ঔদাসীন্যের ফলে

বিভিন্ন জেলায় হিন্দুদের ধনপ্রাণ যেভাবে বিপন্ন হয়ে উঠেছে তারা যে আজ স্বাধীনভাবে কোন কাজ কোরতে পারছে না সেই বিষয়টাকে ঢাকা দেবার জন্য এবং তাদের আর্তনাদ বন্ধ করবার জন্য এই Ordinance তারা চালিয়েছেন। তাছাড়া আমার পূর্ববর্তী বক্তা বোলেছেন যে, সকল রকমের meeting বন্ধ করার ফলে রাজনৈতিক ও কৃষক আন্দোলনকে ধ্বংস করা হয়েছে। যুদ্ধের সঙ্গে যার কোন সম্পর্ক নাই, যোগাযোগ নাই, সে রকম বিষয়ের আলোচনার জন্য সভা কোরতে গেলেও ম্যাজিস্ট্রেটের অনুমতি নিতে হবে, এই বড় হাস্যকর এবং যুক্তি বিরোধী ব্যবস্থা কেবল বাংলাদেশেই সম্ভব। পৃথিবীর অন্য কোন দেশে সম্ভব কি না জানি না। তার প্রমাণ, এই Defence of India Ordinance-এর সুযোগ সব চেয়ে আগে নিয়েছেন এই বাংলা গভর্ণমেন্ট। যুক্তপ্রদেশে যেমন গভর্ণমেন্ট আছে, [illegible] গভর্ণমেন্ট আছে এবং আসাম গভর্ণমেন্ট আছে সেখানে [illegible] গভর্ণমেন্টের এই নতুন অর্ডিন্যান্স জারির কোন সম্ভাবনা দেখা দেয় নাই। [illegible] সে সকল প্রদেশে অন্য গভর্ণরী শাসন প্রবর্তন হলেও বাংলাদেশের ন্যায় সব রকমের "মিটিং" বন্ধ করা হয় নাই। [illegible] বোসে মাননীয় মন্ত্রী নলিনীরঞ্জন সরকার মহাশয় হাস্য কোরছেন। বিগত anti-communal award conference এ ডাঃ শ্যামাপ্রসাদ মুখোপাধ্যায় মহাশয় বাংলার হিন্দু মন্ত্রীমণ্ডলীর প্রতি যে মন্তব্য প্রকাশ করেছিলেন, এবং সেই মন্তব্যের [illegible] অস্থির হয়ে মাননীয় সরকার মহাশয় যেভাবে হিন্দুসভা আন্দোলনকে দমন করতে [illegible] হয়ে পড়েছিলেন এবং শোনা যায় [illegible] notification জারী করার প্রয়োজন [illegible] ডাঃ শ্যামাপ্রসাদ প্রভৃতি অবাধে [illegible] পরিভ্রমণ করতে না পারেন, [illegible] এবং সঙ্গে সঙ্গেই অর্ডিন্যান্স জারি করা হয়েছিল যাতে [illegible] সমালোচনা বন্ধ থাকে। এর প্রমাণ এই সম্পর্কে দেখাতে পারি যে গভর্ণমেন্টের কাছে, [illegible] ম্যাজিস্ট্রেটের কাছে অনুমতি বার বার [illegible] চাওয়া সত্ত্বেও [illegible] জেলায় এবং সিরাজগঞ্জে ডাঃ শ্যামাপ্রসাদ মুখোপাধ্যায় প্রমুখ হিন্দু নেতাদের প্রবেশ নিষিদ্ধ হয়েছে। নোয়াখালি জেলার [illegible] অবাধে হিন্দু বিদ্বেষ প্রচার এবং হিন্দুদের প্রতি আক্রমণের [illegible] হিন্দুদের [illegible] উঠেছিল। সেখানে প্রকাশ্য দিবালোকে হিন্দুদের নারীদের উপর আক্রমণ করা হয়। [illegible] বয়কট করা আন্দোলন [illegible] হয়ে গিয়েছে। [illegible] মন্ত্রীদের কাছে [illegible] নীরব। নোয়াখালি জেলার হিন্দুদের [illegible] ডাঃ শ্যামাপ্রসাদ [illegible] নাজিমুদ্দিন [illegible] গভর্ণমেন্ট [illegible] দেয় নাই। [illegible] শুধু সেখানেই বন্ধ হয় নাই সিরাজগঞ্জে [illegible] সিরাজগঞ্জের [illegible] সেখানেও আজ হিন্দুর ধন প্রাণ [illegible] বিপন্ন হয়ে রয়েছে। মন্দির অপবিত্র, দেববিগ্রহ ভগ্ন, হিন্দুদের নানা স্থানে [illegible] হয়েছে। এমন কি [illegible] হিন্দু নারীদের মুসলমান গুণ্ডারা লাঠি দিয়ে মেরে দেয়, [illegible] তাড়িয়ে দেয় [illegible] করছে হরণ করে

Mr. NIHARENDU DUTTA MAZUMDAR: Mr Speaker, Sir Is the speaker relevant?

Mr. SPEAKER: Mr Das Gupta, I am afraid you are much beyond the narrow restriction at issue You cannot discuss the details of incidents but what you are concerned with is the issue of the Notification; how, the Notification as being executed is not the issue. I permitted you to refer to one incident but you cannot discuss the incident in detail.

Sreejut NARENDRA NATH DAS GUPTA: আমি যে কথা বোলছি— সে সব সমস্যা সম্বন্ধে আলোচনা কোরতে চাই না। আমি কেবল আলোচনা কোরে এই দেখাতে

চাই যে বর্ত্তমানে এই বাংলা গভর্ণমেন্টের মন্ত্রীমণ্ডলী এবং তাদের সমর্থকদের দ্বারা যে ভাবে বাংলার অরাজকতার তাণ্ডবলীলা চোলেছে, তার বিরুদ্ধে কোন প্রকার সমালোচনা করা না যায়—পীড়িত জনসাধারণের কোন প্রকার আর্ত্তনাদ যাতে কানে না পৌছে, সেই উদ্দেশ্যে জনসাধারণের মুখবন্ধ করার জন্যই এই অর্ডিনান্সের আশ্রয় গ্রহণ করা হোয়েছে। এই ভাবে এই অর্ডিনান্সকে ভিত্তি কোরে বাংলার বুকে যে নিষ্পেষণ চোলেছে সেই নিষ্পেষণকে—সে অর্থনীতির দিক দিয়েই হোক রাষ্ট্রনীতির দিয়েই হোক, বা সমাজের দিক দিয়েই হোক সেটাকে যাতে অবাধে চালিয়ে নেওয়া যায় তারি সুযোগ নিয়েছে এই গভর্ণমেন্ট। তাই যদি আজ বাংলা গভর্ণমেন্টের আত্মমর্য্যাদা থাকে, যদি আজ স্বীকার করার ইচ্ছা থাকে, তাহলে অতীতে যে দুষ্কার্য তারা করেছেন, সে দুষ্কার্য স্থালনের জন্য এখনই এই Notification তুলে নেওয়া উচিত।

Maulvi ASIMUDDIN AHMAD: সভা সমিতির দরকার হয় মানুষের মঙ্গলের জন্য শান্তি শৃঙ্খলার জন্য এবং মানুষের অসুবিধা দূর করিবার জন্য। এমন কোন বিষয় সভা সমিতি বন্ধ করার ব্যবস্থা করে Government যে Ordinance জারি কোরেছেন তার কি উদ্দেশ্য থাকতে পারে।

ধর্ম্ম বাদ দিয়ে রাজনীতি ঠিক হয় না। ধর্ম্মের নামে অনেক সভা সমিতি হচ্ছে। আমি মুসলমান, কোরাণ হাদিস মানি।

যে দেশে লোক রাজনীতির কথা বলতে পারবেনা, দেশের লোকের দাবী দাওয়ার কথা বলতে পারবেনা, Assembly র কার্য্য কলাপ সম্বন্ধে আলোচনা করতে পারবেনা, কৃষকদের দাবী দাওয়া উত্থাপন করতে পারবে না, সেদেশে মানুষ কেন বাস করবে বুঝতে পারি না। এই ভাবে সভা সমিতি বন্ধ করে দিয়ে [illegible] এবং মানুষের মনের কথা বলবার অধিকার থেকে [illegible] কি রূপে [illegible] সম্পূর্ণ অসংখ্য অন্যায়ের ব্যবস্থা হয় এই Ordinance এ [illegible] হয়েছে।

[illegible] সমিতি করিতে বাধা দেওয়া হয় না। আমি একটি [illegible] Arangabad (?) গ্রামে সভা করবার জন্য [illegible] তিনি আবার বললেন যাও পুলিশ সাহেবের কাছে, [illegible] এমনি করে তিনি অনুমতি আনতে [illegible] কুমিল্লায় যেয়ে [illegible] ঘরে ফিরে এলেন অনুমতি পাওয়া গেল না।

এই ব্যবস্থার ভিতর ঘোর অন্যায় রয়েছে এবং [illegible] অন্যায়ের ব্যবস্থা রয়েছে। আমি Government কে বলতে চাই মানুষের মনের উপর শাসন চলে না। এমনিভাবে সভা সমিতি বন্ধ করে, এমনিভাবে মানুষের [illegible] কখনই মঙ্গলজনক হবে না।

আজকাল দেশে League এর নামে সভা হচ্ছে, প্রচার চলছে। League ও রাজনীতি বলে। আমি বলছি রাজনীতি [illegible] কিন্তু আমি কোন সভা করি নাই অথচ কুমিল্লায় আমার উপর ১৪৪ ধারার Notice দেওয়া হয়েছে। আমি এক বৎসর public meeting attend করি নাই, যতক্ষণ না কোন public meeting হয় ততক্ষণ কি করে বলা যায় কোন অন্যায় কিছু বলা হবে কি না, Government কি করে অন্তর্যামি হলেন বুঝতে পারি না।

League এর কথা প্রচার করা যায়। কিন্তু অত্যাচারিত কৃষকদের দাবি দাওয়া প্রকাশের জন্য সভা সমিতি, এবং রাজনীতি ও দেশের মঙ্গলামঙ্গল আলোচনার জন্য কোনরূপ সভা সমিতি করা যাবে না। আমি এই ভাল বলি কি মন্দ বলি তা দেখ না কেন। যদি মন্দ বলি তবে শাস্তি দেওয়ার ব্যবস্থা ত আইনেই রয়েছে।

আমি Government কে অনুরোধ করি এ সম্বন্ধে ভালকরে বিবেচনা করুন। বুদ্ধিমানের মত ধীর স্থির ভাবে এই সকল জিনিষের ব্যবস্থা করা উচিৎ। উপর থেকে চাপিয়ে দিয়ে Government যাহা কিছু করেছেন সেটা শক্তিহীন হয় নাই। এটা জনসাধারণের

Government. Government এর কখনও কি পরিবর্ত্তন হয় বলা যায় না। আমি আবার বলছি আপনারা খুব বুদ্ধিমানের মত এবং ধীর স্থীরভাবে বিষয়টির বিবেচনা করুণ। এরূপ দিন চিরকাল থাকবে না। পরিবর্ত্তন হবেই। তখন দেশবাসীর নিকট জবাবদিহী করতে হবে।

The Hon'ble Mr. A. K. FAZLUL HUQ: তখন দেখা যাবে।

Mr. NIHARENDU DUTTA MAZUMDAR: Mr. Speaker, Sir, we are here this evening to discuss the extraordinary situation which has arisen in Bengal as a result of the notification of the Bengal Government under the Defence of India Ordinance. This situation, Sir, has the unique merit or demerit of having made Bengal the only province in India where public life to-day for all practical purposes has been thoroughly muzzled. The most characteristic thing in this connection is that Bengal of all the provinces in India is, from the military point of view, the least important in connection with war preparation. Hardly there are any regiments recruited from this province in the standing army of Great Britain in India. Hardly there are any so called martial races inhabiting India which warrant any such drastic measure as the Government of Bengal has so far taken. Immediately after the war was declared, Sir, I happened to be touring round the villages in the province of Punjab. In the Punjab—the province that supplies the overwhelming majority of the Indian troops in the standing army—there under the regime of Sir Sikander Hyat Khan, one wondered to think, there was not the slightest sign of this state of rigour with regard to muzzling public life as we witnessed in Bengal the very week war was started. The wonder of it is this, when we have to consider in the first place, that the responsibility for declaring the war or the power of declaring war or peace does not lie with the Bengal Government or its sister Government, namely, that of Sir Sikander Hyat Khan, under the leadership of the same organization—The All-India Muslim League. I believe, the Bengal Ministry will acknowledge and accept the leadership of the All-India Moslem League. Either in the declaration of war or in the promulgation of the Defence of India Ordinances neither the Muslim League nor the Congress nor the people of India nor any of the Provincial Ministries had any say whatsoever. That is a point which is worthy of note. In this connection if the Ministry had any course to follow the first obvious thing for the Ministry to do would have been to consult their own constituencies. The most reasonable thing for the Ministry would have been to allow an opportunity to the 250 members of this House to consult their constituencies with regard to their action and views in connection with this war, but that was not done. I am in a position to say, Sir, on the floor of this House that with regard to promulgation of these Ordinances not even any instruction or advice was taken from the supreme leadership of the All-India Muslim League. I say here with all the sense of responsibility that I can command that,

in this respect the actions of the Government of Bengal, advised by Ministry predominantly subject to the instruction, advice and guidance of the Muslim League, were not in consonance with any instruction or advice of the All-India Muslim League. I ask the Hon'ble Mr. Fazlul Huq to contradict me when I say this. I expect, the Hon'ble Mr. Fazlul Huq is aware of the views of his own leadership and I ask him to enlighten this House, to enlighten the electorate, to enlighten the Muslims of India, to enlighten the Indian people and the people of Bengal over whom and with whose sufferance he is now the Chief Minister to-day, as to whether his action has received the approval even of his own supreme All-India leadership—

The Hon'ble Mr. A. K. FAZLUL HUQ: Why do you drag me into the debate?

Mr. NIHARENDU DUTTA MAZUMDAR: I think, Sir, that the Hon'ble Mr. Fazlul Huq, faced as he is with this very difficult situation entrusted as he is to look after not only the welfare of the province but in a matter of war and peace where it is the question of committing India, committing the people of this province, his community and his country in a life and death question, cannot escape his responsibility whether as a responsible Chief Minister or as a good Muslim or as an Indian, in whatever capacity he may wish to consider the situation. He has got to answer the question, there can be no question of fearing to be "dragged into" this debate. The Hon'ble Mr. Fazlul Huq cannot evade the responsibility for the action of the Bengal Government.

Sir, who does not know to-day that the Congress Ministries, even my friends on the other side of the House will agree, you may give the dog a bad name and hang him, but give the devil its due, refused to enforce the ordinances under the Defence of India Act. After the Congres Ministries relinquished power, relinquished their burden of office, the power of Government has been assumed by the Governors ruled by their own old fashioned bureaucracy, there again to give the devil its due, I shall say that in none of the provinces, since the resignation of the Congress Ministries even the Civil servants, whether Indian or European, have not stooped to the level of the Bengal Ministry of promulgating such measures and creating the extraordinary conditions as prevail in Bengal. Here I am not offering my criticism in any spirit of frivolity. I am offering my criticism with a sense of shame—sense of shame considering that this extraordinary policy does not conform to the definite lines of policy followed by any organization whether the All-India Muslim League, the Congress, or even the Civil Servants, who are administering in the eight provinces where the Congress Ministeries have resigned. From all

these points of view, I consider that this situation merits the most careful consideration by all sections of this House. This is not an apt occasion for any self-respecting Indian—I respect a rabid Muslim, I respect a rabid Hindu, I respect still more a patriotic Indian, but I cannot understand how any one except the worst and designing enemies of India—the Imperialist High Counsel—can try to fan up communal passion among our own people when it is a question of war or peace. Will the holocaust spare any community?

That is a thing unknown, Sir. Whether it is a Lawrence invading with his army or a Nadir Shah invading with his hordes or anybody else, there will be no mercy for Hindus and Muhammadans. We have seen, Sir, that General Dyer's guns did not discriminate between Hindus and Muhammadans; we saw, Sir, that Nadir Shah's onslaught did not discriminate between the Hindus and Muhammadans of India. We stand in safety if we stand fast together as Indians, if we stand as Hindus and Muhammadans together. I regret and deplore, Sir, to see an effort made in some quarters of this House to fan up communal passion. I think the lead there was taken neither from the Muslim League on the issue of the war nor from the Congress, but from black reactionary quarters. I strongly repudiate this mentality and I am glad to say, Sir, that such voices are not raised from this side of the House and such voices if raised will not be tolerated and will be aptly dealt with by this side of the House in the manner it deserves.

With these considerations in view I wish to pass on to illustrating the situation that has been actually created. Sir, the Government notification was published on the 6th of September and in the mufassils by the time the news reached through the newspapers, particularly through vernacular papers, it took a few more days. But, Sir, on the 16th under the pretence of this ordinance four workers of the Congress, as my hon'ble friend Rai Harendra Nath Chaudhuri has already mentioned, were arrested in Malda while addressing a meeting for national demand under the auspices of the Forward Bloc inside a remote village. They were instantaneously arrested and kept in custody for over a month. Sir, that is an illustration of the measures that have been taken, that is an illustration of the method how these ordinances have been used. It is also known, Sir, that recently when Mr. Subhas Chandra Bose, the President of the Forward Bloc, applied for permission to hold a public meeting at Mymensingh, permission was not granted. Sir, it would be unheard of to-day even in the province of Sir Sikander Hyat Khan not to grant permission for ordinary public meeting, and the Hon'ble Mr. Fazlul Huq has it incumbent on him to explain why such extraordinary step was taken——

The Hon'ble Khwaja Sir NAZIMUDDIN: How Mr. M. N. Roy was extended from the Punjab? Under what Law?

Mr. NIHARENDU DUTTA MAZUMDAR: I think, Sir Sikander Hyat Khan in an individual case took the lesson from the Bengal Ministry. Yet the Hon'ble Sir Nazimuddin has to show that permission was not granted in the Punjab to hold meetings or that public life has been thoroughly stifled there. I hope that Sir Nazimuddin will be the first man to contradict such a statement. Sir Nazimuddin has also to show here that any politician or public man in the Punjab has lost his civil liberty of addressing public meetings for ordinary day to day discussions that take place there.

The Hon'ble Khwaja Sir NAZIMUDDIN: How many Congressmen have been arrested in the Punjab under the Defence of India Act?

Mr. NIHARENDU DUTTA MAZUMDAR: If there are some, they are much less than in Bengal. Apart from this, Sir, this very morning we found that an order has been promulgated on Mr. Santosh Chandra Bhar, a resident of French Chandernagore, externing him from all the jute areas in the district of Hooghly. The order, on a penalty of seven years' sentence, excludes him from any sort of contact with the jute workers who were living in that area. That is another illustration of the same thing. Moreover, the chief aspect of the whole situation to-day is this that we in this House are committed to our own programmes, programmes of our respective parties and from time to time we have to consult our own constituences. I make bold to say, Sir, that not one single party in this House——

(At this stage the member reached his time-limit.)

Mr. NIHARENDU DUTTA MAZUMDAR: Can I have one minute more time, Sir?

Mr. SPEAKER: I am sorry, I have no power to do so. Otherwise I would be very glad, but I have no power.

Mr. ABDULLA-AL MAHMOOD: Mr. Speaker, Sir, I had not the slightest intention to take part in this debate, but for the serious charges that have been made by my friend Mr. Narendra Nath Das Gupta against the Muslims of Serajgunge which I have the honour to represent here. I do not like to go into details with regard to every fact but I can show by instances that the occasional presence of persons like them has been making the situation of that place bad.

Mr. CHARU CHANDRA ROY: Is it relevant, Sir?

Mr. SPEAKER: I will not allow him to develop that argument except to contradict the statement of Mr. Das Gupta. Mr. Mahmood, I hope you will not go beyond a mere contradiction of it.

Mr. ABDULLA-AL MAHMOOD: I will not deal with the details of these instances which he mentioned but I categorically deny each one of the charges and I say that the charges he made are all baseless and false. He has just now brought out before this House that the life and property of the Hindus at Serajgunge are at stake, their deities and temples are desecrated and the modesty of the Hindu ladies is being outraged. I seriously and categorically deny all these charges. I can show by document what are the real facts. I request my friend over there just to go with me and enquire whether the facts are true or not.

Now, with regard to giving permission to Dr. Syamaprasad Mookerjee, who announced the date of his visit to Serajgunge, he did not know what the actual situation there was. Some aspiring youths who aspire to be leaders like Mr. Narendra Nath Das Gupta announced by distribution of inflammatory hand-bills that the life and property of the Hindus were at stake and invited Dr. Mookerjee to save their life and property. What I can tell him is this that the Muslims of Serajgunge have saved the prestige of many a Hindu woman from being gone astray what would have been the effect had Dr. Mookerjee gone there and held meetings. The Muslims of Serajgunge having seen these leaflets distributed by the so-called local leaders of the Hindu Mahasabha that they would be holding a meeting, announced by holding a meeting that they would hold a counter-meeting on the date they would do. I place before this House, Sir, what would have been the result had these counter-meetings been held there. So, I think in this critical time measures like this were essentially necessary just to keep peace and tranquillity and maintenance of law and order between communities and communities.

Dr. SYAMAPRASAD MOOKERJEE: I think, Sir, that every right-thinking person in Bengal will congratulate the mover of the adjournment motion on the opportunity which he has given to the members of the House to discuss a matter of Governmental policy which has brought into being a situation almost unparallelled in the history of this Province. Sir, I shall begin by saying that when war breaks out, in times of emergency, limitations and restrictions must be imposed on civil liberty up to a certain point. The conditions which every civilized Government would like to impose on such an occasion would be governed by considerations relating to matters arising out of the war itself. But, Sir, if you look at the notification which was issued under the orders of the Provincial Government in accordance with the provisions of the Defence of India Ordinance, you will find that the Government of Bengal really out-Heroded Herod in respect of the necessity to protect public safety and tranquillity.

Sir, I shall come to the point at once and say that the principal reason which prompted the Government to formulate its notification in a manner which has not been done by any other Provincial Government throughout India was not the defence of India but to stifle public opinion and the expression of views with regard to matters affecting public policy and welfare. I shall show presently that the effect of this notification has been that people have been prohibited from carrying on their lawful duties in a manner which has affected prejudicially the development of healthy and reasonable public opinion throughout the province of Bengal. Sir, already my friend Dr. Suresh Chandra Banerjee has stated how the provisions of the notification have retarded lawful movements affecting labour, and other such organisations. Similar assertions have been made by other speakers as well. But, Sir, I shall deliberately say that one of the objects which lay behind the promulgation of this notification was also to stifle and suppress the growing public opinion among the Hindus of this province against a systematic policy of terrorisation which has been carried on by the present Government of Bengal. Sir, I am fully aware of your ruling, and if I go beyond the scope which you have been good enough to extend to this adjournment motion you will no doubt tell me where I am wrong.

Sir, during the last few months this movement has gone on not for the purpose of spreading any anti-Muslim propaganda. I know that for the state of affairs in this province to-day the entire Muslim community is not responsible; not even perhaps, the Government as a whole is always directly responsible. To-day I am not going to discuss in detail as to where lies the hidden hand which is now influencing the destinies of this province in a manner which will ultimately mean the ruin not only of the interests of the Hindus but of the Muslims as well. But, Sir, I shall say this much that the effect of the passing of this notification has been that it has become impossible for men like us to carry on our activities, for the last few months, who have been trying to organize public opinion amongst the Hindus in a manner which will not give rise to any communal frenzy or communal passion, but will prompt the Hindus to organise and consolidate for safeguarding their own legitimate interests by every lawful means open to them.

Sir, what has been the effect of the publication of this notification? The effect has been that all meetings and demonstrations disliked by Government have been stopped. Whenever attepmts have been made to spread news and to help people who are in distress requiring combined assistance, they have been prevented from doing so or unnecessary limitations have been imposed on them. Even to-day, sitting here in this Chamber I heard from two members how their lawful efforts.

in this direction are being baffled by reason of the attitutde taken up by Government.

Sir, in September I toured in several districts in Bengal along with some other gentlemen and I can say from my personal experience how in particular places this notification has been applied not for safeguarding the interests of defence or war in any measure whatsoever but for the purpose of stifling public opinion where such public opinion could legitimately and reasonably be expressed.

Sir, reference has been made to Noakhali and Serajganj. I hold in my hands here a copy of the order issued by the District Magistrate of Serajganj prohibiting notices regarding our visit to Serajganj and issued under the Defence of India Rules.. I do not see how reference to Serajganj will be out of order, for the order was made by the Magistrate under the provisions of the Defence of India Rules, and the notification which is now the subject matter of discussion in this House. I had not gone there, I had not proposed to go there at the request of any misguided youths but the invitation came from well-known citizens of that place occupying responsible position in public life. Sir, I am not going into details with regard to the happenings at Noakhali and Serajganj, but you can take it from me, Sir, that I hold in my possession copies of documents which have been officially presented to the Government and other papers and documents and I say this deliberately measuring every word which I utter that the position of the Hindus in Noakhali and Serajganj to-day is so grave that it should be made an all-Bengal issue and the first authority which should come to their rescue is the Government of Bengal which is supposed to be in charge of the welfare of this province. We wanted to visit these places not for the purpose of carrying on any anti-Muslim propaganda but for the purpose of verifying whether serious allegations which have been openly made such as preaching of economic boycott of the Hindus, defilement and desecration of Hindu temples and loss of Hindu property were justifiable or not

Mr. SPEAKER: I am afraid Dr Mookerjee, the issue here is not Serajganj and the events connected with it, but the promulgation of the notification, and I find you have already made out a good case as to why the notification should not have been issued. I hope you will not go into the actual details

Dr. SYAMAPRASAD MOOKERJEE: Sir, I am not going to enter into details, but I am only proving how the notification has been misapplied. What I am driving at is that we have been prevented from carrying on our lawful obligations and duties as a result of this notification and the way in which this has been deliberately used by the authorities now in power has been to suppress public opinion

with regard to important public questions. This is the open charge which I bring against the Government of Bengal to which I would like to have a reply. With regard to the details I agree that they do not form the subject matter of discussion before the House this evening. But I should think, Sir, that my hon'ble friend the Chief Minister who has been offering challenges to various Congress Ministries in India would follow for himself the famous maxim "physician, heal thyself". I do not want to offer any challenge but I would only request him, let him accompany me to those districts in respect of which such serious allegations have been made and let us hold a thorough and impartial enquiry and satisfy the public of Bengal whether they are true or not. So much with regard to the notification.

I would now, Sir, refer to another subtle way in which this policy of stifling public opinion is being carried on. The notification is there prohibiting public meetings, processions and so forth unless previous permission has been obtained in writing. Coupled with this there are the activities of the Press Censor. The way in which press censoring is going on has nothing to do with regard to war but is directed against everything that is critical of the misdeeds of the Ministry.

Sir, two of us issued a statement early in October on my return from tour in Eastern Bengal. We took full responsibility for every statement that we made and we sent out the document. When it was sent to the Press for publication several expressions and sentences were removed and modified from that statement which had nothing to do with war conditions, ("Shame, shame" from the Congress Benches,) but which reflected on the conduct of the Government. Even in some instances they had nothing to do with the conduct of the Ministers but they simply gave expression to opinions which we held and which we were entitled to express on some important public matters. And these were deliberately suppressed. Look at the differential treatment, Sir. When the Hon'ble Mr. Shaheed Suhrawardy, a Minister of the Government of Bengal issues statements employing violent language, there is no Press Censor to prohibit their publication. Such articles are published much to the joy and amusement of the people concerned. That is the way in which the Press Censor is carrying on his duties.

Sir, regarding the incident which happened at Comilla College which I visited on invitation—I know that a telegram was sent by the United Press and the whole telegram was suppressed, delayed and modified by the Press Censor of the Government of Bengal. But what happened the same day? A telegram came from the Special Correspondent of the Star of India, not a Ministerial organ, but certainly a newspaper which basks in the sunshine of official favouritism. So far as that publication was concerned it contained a false statement which was not checked by the Press Censor. These are only two examples

and they can be multiplied. What I am therefore saying is this that all these activities are shamelessly happening to-day before our very eyes, though they have nothing to do with war conditions. Hitler's declaration of war has indeed come as a God-send to the present Government of Bengal. Here is a golden opportunity for them to suppress public opinion whether it relates to labour, or to the "Forward Bloc", whether it is a question of Congress meeting, or of activities of other lawful organizations, whether it is a question of holding meetings by Muslims who are antagonistic to the policy now pursued by the present Government, or whether it relates to the question of life and death of the Hindus of this province, everything must be stifled and suppressed in the name of war, of freedom, of democracy! I ask this House, how long will this farce continue? (Applause from the Congress Benches.)

Mr. M. SHAMSUDDIN AHMED: Sir, I expected that we would get some light either from the ministerial benches or from our coalition friends as to why it was necessary to inflict such a thing on the people of Bengal. We know that we are unarmed, and there are so many Acts which are sufficient to deal with the helpless Bengalees who are disarmed and emasculated. It has already been said (and I do not want to repeat the expression) that in no province except Bengal this special ordinance has been promulgated. The immediate effect of it has been to stop all meetings of whatever kind, and not only rumours but all things necessary to stifle public opinion are being spread throughout the country. At the present moment we know that an extraordinary situation has arisen. Whether it is due to Hitler's declaration of war or whether it is due to international situation as to who will wield the supremacy of the whole world, some countries are at war. Great Britain and France are at war with Germany and we poor Indians are dragged into this war because we are a dependent people. I do not know, Sir, what is the situation at the present moment which has impelled the Bengal Government to issue this ordinance. I do not know whether Sir Nazimuddin has issued instructions to enrol volunteers to guard this land. This country is to be defended! Against whom? Against emasculated millions who know nothing of the war. You have got numerous rules, regulations and orders, e.g., 107, Criminal Procedure Code, and such a wide section as 144. You are doing all sorts of things on the face of the globe with the help of this section. Possibly the Bengal Ministry thought (I do not know according to whose advice) that this is the most opportune moment to stifle all public criticisms against the present Ministry or even the ventilation of the real grievances of the people. When I had been to Mymensingh recently I found that even election meetings had been banned. Orders were not given to hold election meetings. In many places permission had been asked to hold ordinary meetings so

express not only public opinion but also the real grievances of the people, but permission was not given, although some of the Maulvis and others were holding meetings without permission under the name of the Muslim League and asking people to vote either for this or that person. I do not know how in the name of defence of Bengal this Act is being operated on in this province. I do not know what position will be taken up by Sir Nazimuddin, or the Hon'ble the Premier. I find the Hon'ble the Premier is getting ready to give an effective reply.

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not require to be ready. I am always ready.

Mr. M. SHAMSUDDIN AHMED: I know that you are always ready to do whatever you like. You are a free-lance, but all the same we expect you, as the Premier of the Province---

Mr. SPEAKER: Mr. Shamsuddin, I am not the Premier. (Laughter.)

Mr. M. SHAMSUDDIN AHMED: Not you, Sir. I have referred to the Premier who intervened. I know that Sir Sekander Hyat Khan, as the Premier of the Punjab, has offered to enrol a very large number of military recruits for the prosecution of war, but even there he did not think it necessary to promulgate a special ordinance. The Punjabis are a fighting race, but the docile Bengalees whether they be Muslim Leaguers or Krishak Proja members or Congresswallas are not so. Bombs and revolvers have no place in Bengal now. They have been disavowed. I know that the arms of the various Acts are absolutely wide but in the Punjab Sir Sekander Hyat Khan did not think it necessary to take recourse to them. Sir Nazimuddin possibly thought that he would show that he was quite ready not only to support the war but to suppress the people in various ways masquerading as the defender. My God! what defender! I could very well understand if Sir Nazimuddin would go to the war field, if he had summoned thousands of volunteers saying "let us go to help in the prosecution of His Majesty's war", but instead, here, for the poor docile Bengalee, he has promulgated an ordinance to suppress them in all possible ways. It reminds me of one thing. There is a special rule inside the jail. Over the jail convicts there is a jail convict warder who keeps guard over all the prisoners. After nightfall there is a *gunti* (গুন্তি) and he declares that all is safe inside the jail. You must remember that the warder himself is a convict and at dead of night that convict says " সব ঠিক হায় ", i.e., "everything is all right." Sir Nazimuddin knows that we have got no arms, even *lathis* are banned to-day. I saw in my childhood that the Bengali's *chasas* used to play *lathis*, but

that is now absolutely finished due to the application of sections 110, 108 and 107, Criminal Procedure Code. Possibly Sir Nazimuddin wanted to pose as one of the defenders of the Empire. We are nothing more than convicts inside the jails (this country is a bigger jail). What is liberty we do not know, if mere expression of public opinion is banned what is left? Even *dal bhat* is left to other men to supply. I hope Sir Nazimuddin will reconsider the position. There is no disturbance. I will tell you of one incident at Kushtea. In the Mohini Mills about 3,000 to 4,000 men went on strike. As a result of the promulgation of the ordinance, the labourers could not meet and under cover of darkness the mill authorities spread all sorts of rumours, such as Government is on their side, and thus broke the strike. Therefore, if in the name of Defence of India you suppress not only the liberties of the people but also the ordinary expression of public opinion that is not the defence of Bengal or the defence of India, but it is simply showing that you are eager to suppress public opinion masquerading as defenders of His Majesty's Government in this country.

Sir, I know the position at present is really very delicate. I will not try to tread on other grounds but at the present moment I feel if this state of things continue the result will be that all sorts of rumours would spread—you can suppress public opinion but you cannot suppress the rumours, you cannot suppress sentiment and opinions; you may suppress the expression of it but you cannot suppress the thinking of it—the result will be that you may ban Krishak Proja meetings, labour meetings and other meetings that you may think proper, but if it is not to-day, to-morrow or the day after reaction is bound to come. I remember at the time when the Press Act was passed the Muslims were jubilant over it because the Hindu presswallas were *badmashes* and the Hindu press would be muzzled and, therefore, they expressed the highest joy over it. But, Sir, the first paper that came under the Press Act was a Lahore Muslim paper—that was the first victim. You can very well understand that the law does not discriminate between either the zemindar or the tenant or the Muslim Leaguewallas or others. To-day you may be in power, but to-morrow somebody else will be in power, so you must always think in terms of abstract right, liberty in terms of abstract liberty. You have got wide powers under the present law to suppress misdeeds. You can do that in the ordinary course of justice but in the name of so-called defence—what is the defence? How many volunteers have you enrolled? What has been done? Nothing has been done—but simply taking the pretence of it you have suppressed the liberty of this province. I ask with all humility and seriousness both Sir Nazimuddin and Maulvi Fazlul Huq to consider the whole situation, and I would ask with all humility Maulvi Fazlul Huq to think over it and see whether it redounds to the credit of his Government. I would implore of him to consider the implications of the Defence of the Bengal Act and under the name

of that Act all the rubbish things that have been done in the province. I hope this discussion will have some effect upon the Bengal Government and I hope Sir Nazimuddin and the Hon'ble Mr. Fazlul Huq after consultation with their brother colleagues, when they see that all the other provinces even under the present system of Governors and their advisers——

(At this stage the member having reached the time-limit resumed his seat.)

(At this stage Sir Nazimuddin rose to speak.)

Mr. SPEAKER: Now it is 6-55 o'clock and only 45 minutes are left. I am keeping 15 minutes under the rules for the Hon'ble Home Minister.

The Hon'ble Khwaja Sir NAZIMUDDIN: After my speech I submit the Hon'ble the Chief Minister will wind up the debate.

Mr. SARAT CHANDRA BOSE: The right of winding up the debate on an adjournment motion is the right of the Opposition.

Mr. SPEAKER: Does Mr. Harendra Nath Rai Chaudhuri want to wind up the debate?

Rai HARENDRA NATH CHAUDHURI: Yes, Sir, I may take ten minutes to wind it up.

The Hon'ble Khwaja Sir NAZIMUDDIN: But, I think, according to the rules of Parliamentary practice the Minister in every debate is the last person to speak.

Mr. SARAT CHANDRA BOSE: Not in the case of an adjournment motion. Will the Hon'ble Home Minister give reference to Parliamentary practice and rules he is referring to?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is a rule but it will take some time to find it out. We don't press for it; this point may be taken up later on.

Mr. SIBNATH BANERJEE: On a point of order, Sir. The time lost in these interruptions should be made good.

Mr. SPEAKER: That is not a point of order.

The Hon'ble Khwaja Sir NAZIMUDDIN: Mr. Speaker, Sir. I am extremely grateful to Mr. Niharendu Dutta Mazumdar for giving me an opportunity of explaining the position as well as the attitude taken up by the Muslim League on this question——(Dr. NALINAKSHA SANYAL: Muslim League!)

Mr. SPEAKER: Order, please. May I ask you, Dr. Sanyal, that when the Hon'ble Minister is replying to a serious discussion, the House is entitled to hear him without innterruption.

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I am concerned and as far as my Muslim colleagues are concerned, the position is that until and unless the Working Committee of the Muslim League gives a definite mandate and calls upon us to resign, we have to carry on our duties honestly and conscientiously, and in pursuance of that policy we have been doing our work as we consider it to be right.

Now, as far as this motion is concerned, it may be divided into two parts. The mover of this motion practically confined himself to a criticism of the Defence of India Act more than that of the notification issued by this Government whereas Dr. Syamaprosad Mookerjee and others have confined themselves to some of the actions that have been taken by Government or rather what has been the effect of the issue of this notification. Before I deal with those points, I would like to explain the principle upon which we have been acting and the reason why this notification has been issued. These rules have been issued under the Defence of India Act and the aims and object of these rules are threefold. One is that during the war there should be no action or no speech or no activity which is going to create a feeling of hostility towards Government or going to create an impression amongst the public that they should not assist in war. Anything that is going to create propaganda against the war has to be prevented. The second object of these rules is that during war-time, as Dr. Syamaprasad has said, there must be a certain amount of curtailment of civic rights and public rights and civil liberties and therefore, subject to that condition, we have got to see that no disturbance is created. That there is tranquillity in the province is the essence behind some of the rules that have been promulgated. The object is that it is the duty of Government to see that during war-time there is internal tranquillity and peace and that there is no disturbance. The third point which has led us to promulgate these rules is that we must try and see as far as possible that communal questions and considerations and differences are not unnecessarily accentuated which might ultimately lead to serious consequences. (A voice: Except by Government party members.) These are the three principles behind this rule. In its application Government have taken particular care to give absoluate freedom and

absolute liberty to one and all as far as criticism of Government policy and Government action is concerned. No one has been prevented from or no restriction has been placed on, any one who has come forward or expressed a desire to criticise the activities of Government or criticize the policy of Government or create public opinion, with a view to replace this Government. I may state here most emphatically that no instance has been cited, no case has been brought before this House, to show that any one has applied for permission to hold a meeting with a view to criticize the policy of Government or to create public opinion against Government, and that permission has been refused——

Mr. NIHARENDU DUTTA MAZUMDAR: What about the instance of Mr. Subhas Chandra Bose at Mymensingh?

The Hon'ble Khwaja Sir NAZIMUDDIN: The meeting there was not called to criticize the policy of Government. Now, Sir, Dr. Syamaprosad Mookerjee has referred to two instances—one of Serajganj and the other of Noakhali, but at the same time he has very lightly mentioned the fact that he has been touring most of the districts of Bengal with a view to create public opinion amongst the Hindus, as he says, and to create public opinion amongst the Hindus against this Government. But in all these districts no restriction has been placed against him——

Dr. SYAMAPRASAD MOOKERJEE: Restriction was there; permission had to be obtained from the District Magistrate beforehand.

The Hon'ble Khwaja Sir NAZIMUDDIN: Permission was given as soon as it was applied for. The assertion is that these rules have been promulgated so that Government would protect themselves. That was the point of Dr. Mookerjee and one or two other speakers. Now, I maintain that from the facts that have been stated in this House it will be seen that there is not a single instance where they asked to hold meeting for the purpose of criticizing Government and it was refused. So it will be seen how hollow the contention is. In the two cases of Noakhali and Serajganj, if we are to accept what Dr. Syamaprasad Mookerjee says, viz., that the Hindus are being oppressed, and if we are to believe what Sj. Narendra Nath Das Gupta has said, viz., that the condition of the Hindus in those two districts is serious, then it presupposes that there is communal tension in those two districts, and it is desirable that steps should be taken to prevent any communal tension growing in volume there. But have these two gentlemen ever approached me on this subject, have they ever taken the trouble to discuss this question with me? Now, Sir, Dr. Syamaprasad Mookerjee has mentioned of a document which, he says, has been officially given

to the Government of Bengal. I submit, Sir, that it has not been given to the Government of Bengal, but I have received it from two sources—one, it was given privately by my friend and colleague the Hon'ble Mr. Nalini Ranjan Sarkar, and the other has come through another source——

Dr. SYAMAPRASAD MOOKERJEE: And that source is the Governor of Bengal.

The Hon'ble Khwaja Sir NAZIMUDDIN: Now, Sir, I am not in the habit of either throwing out or accepting challenges, but I take my stand and I join issue with Dr. Mookerjee, and say that no document has been officially given to Government. I am prepared to allot a day for discussion in this House the subject matter of the representation alleged to have been made officially to Government, and I am sure I will be able to show ——(Mr. SANTOSH KUMAR BASU: By votes?) No, not by votes, but by facts and figures, and the public will judge, as they are going to judge, that these rules have been promulgated for the safety and defence of Government, and not for protecting the Ministry from criticism. I will be able to show that actually we have given every latitude to one and all who come forward to criticize Government that they can do anything they like as far as removal of this Government is concerned, they can take any step and do any propaganda they like and, what is more, I would request the honourable members of this House to read the newspapers, and I am sure they will find that, although there has been strict censureship as regards the points I have mentioned, villification—deliberate and false villification—particularly of the Chief Minister and most of the other Ministers, continued day in and day out, but no action has been taken against the villifiers under the Defence of India Act.

Dr. SYAMAPRASAD MOOKERJEE: Action has been taken under the "Defence of Ministry Act".

Mr. SPEAKER: Order, order. You will have an opportunity of contradicting the Hon'ble Minister's statement when replying, but contradictions should not be made by interruptions but in the form of a speech.

The Hon'ble Khwaja Sir NAZIMUDDIN: Now, Sir, as regards the complaint of the Hindus that appeared in the newspapers about what is going on in Malda, I may say that Government instituted an enquiry and issued a communiqué. Nobody has up till now been able to contradict that communiqué. So it shows that those allegations were entirely false.

Now, Sir, I think that it is not proper to compare one Government with another, but as far as statement of facts is concerned I would refer honourable members to what appeared in the newspapers. There they will find that in the Punjab some M.L.A.s were arrested under the Defence of India Act, whereas no M.L.A.s have been arrested in Bengal under that Act. In Congress provinces also over 30 or 40 people were arrested under that Act. It is, therefore, absurd to suggest that rules under the Defence of India Act are not being utilised in the Punjab. So long as you remain in the Ministry you must go according to the spirit of the Government of India Act, whether you are a Congress Government or a League Government, and it is your incumbent duty to do it properly. And as far as the Congress Governments are concerned, if they had remained in office they would have had to do it or resign. So far as the Hindu Mahasabha meetings are concerned I can convince the House——(Interruptions.) Of course, it is impossible to convince people who are not prepared to be convinced——

Mr. ABDUR RAHMAN SIDDIQI: On a point of order, Sir. The opposite benches have been given a very patient hearing and it is only fair that the Hon'ble Minister, when he is presenting his case before the House, should be similarly given a hearing without any interruptions.

Mr. SPEAKER: I think it is becoming too much; in spite of my warning there has been constant interruptions. It is not proper at all to interrupt when the Home Minister is replying. Mr. Rai Chaudhuri has made out a case in a most reasonable and amiable manner, but other members should not spoil the spirit of the motion by constant interruptions.

The Hon'ble Khwaja Sir NAZIMUDDIN: Now, Sir, as far as the labour movement is concerned, no restrictions are placed for holding meetings where Government are satisfied that they are legitimate and *bona fide* trade union meetings; but it is the Government's duty to see that during war time there is no agitation carried on with a view to bring about strikes to cripple industry and particularly to put any impediment in the preparation of war materials. Therefore, if the labour have got any grievance during war time, it is their duty to bring it about by means of negotiations, by approach to Government and by conciliation and not by means of agitation and strikes.

Dr. SURESH CHANDRA BANERJEE: The mill managers cannot be approached.

Mr. SPEAKER: May I ask Dr. Banerjee to go to the Secretariat and have another Conference with Sir Nazimuddin?

The Hon'ble Khwaja Sir NAZIMUDDIN: Similarly the same applies as regards the rural areas. It is a known fact that there is a strong group and party, that there are released detenus whose definite aim is to bring about a mass revolution. That cannot be denied by anybody.

Mr. TULSI CHANDRA GOSWAMI: Certainly, I deny it most emphatically.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, those people who deny evidently do not know the aims and objects of the released detenus who are now taking part in political activities. I would not say anything else. I will be most charitable and say that they do not know of their aims and objects. There is no hiding of the fact that it is their declared aim. It is published in the newspaper and everywhere that their aim is to bring about a mass revolution. (Dr. NALINAKSHA SANYAL: Why not?) During war time it is not permissible to do that. If you want to do it, as long as we remain as Ministers and as Government we have got to carry on the Government honestly and it is our duty to see that during war time these movements are not carried on.

(The Hon'ble Minister having reached his time-limit resumed his seat.)

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, as I am anxious to have a division on this motion, I am not going to make any speech, but I will say just a few words in reply to some of the statements that have been made by my friend Dr. Syamaprasad Mookerjee. The sum and substance of his speech comes to this, that the Hindus in Bengal are living in a state of terrorism and fear for their lives, that their property and person are unsafe and as some Sadhu has put it, that Hindu women are being outraged and Government is not taking any steps to protect them. My friend Dr. Mookerjee has complained that by reason of the promulgation of these ordinances, people have been prevented from holding meetings and discussing the situation and ventilating their grievances against the Government. He has wound up by throwing out a challenge to me that I should accompany him to various places in Bengal in order to satisfy myself as to the truth of the allegations he has made. I may tell him that I would have very gladly accepted his offer, but most unfortunately for myself I have to deal with Pandit Jawaharlal Nehru and I am going to take him to

various places not in Bengal or in any district or a subdivision but the various provinces throughout India. I will not therefore have the time, but I can assure Dr. Mookerjee I will take a bigger man than Dr. Syamaprasad Mookerji. (Laughter and jeers from Opposition Benches.)

Mr. SPEAKER: Order, order.

The Hon'ble Mr. A. K. FAZLUL HUQ: One minute, Sir. I am not backing out. I want Dr. Mookerjee in all seriousness to make out a programme and if I cannot go, I shall see that someone representing me will accompany him wherever he wants to go.

Dr. SYAMAPRASAD MOOKERJEE: My representative will accompany your representative.

The Hon'ble Mr. A. K. FAZLUL HUQ: If I have the time I will go. I will satisfy both Pandit Jawaharlal Nehru and Dr. Syamaprasad Mookerjee. I am equal to that task, but if I have not the time I will certainly see that someone will accompany Dr. Mookerjee. Let him make out a tour programme. Let him give it to me and I will arrange for somebody to go with him. Let him show one single instance in which the charges against the Government so lightly made can be substantiated.

Dr. SYAMAPRASAD MOOKERJEE: What will happen if that is true?

The Hon'ble Mr. A. K. FAZLUL HUQ: No use talking to me. You make out a programme and give it to me, and I will give you someone to accompany.

Dr. Mookerjee has made an uproar over the curtailment of his rights. Let me remind him that at Barisal he made a most violent attack not merely on the Government but on the whole Muslim community. In Comilla he made the most rabid communal speeches ---

Dr. SYAMAPRASAD MOOKERJEE: Sir, the statements are absolutely false.

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, you can say anything you like, but you made the most rabid communal speeches.

Dr. SYAMAPRASAD MOOKERJEE: You better ask your C.I.D. reporters who accompanied me.

The Hon'ble Mr. A. K. FAZLUL HUQ: You have been spreading communalism throughout Bengal.

Dr. SYAMAPRASAD MOOKERJEE: Will you prove it?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not want to argue with people who are determined not to be convinced.

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir, are we discussing the notification or what?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I am only pointing out to Dr. Mookerjee that he had the fullest liberty and we gave him the longest rope.

Members from the Coalition Benches: Question be now put.

(Mr. Tulsi Chandra Goswami stood up in his seat.)

Mr. SPEAKER: How long will you take Mr. Goswami?

Mr. TULSI CHANDRA GOSWAMI: I will take ten minutes, Sir.

Mr. SPEAKER: Then there will be no time for Mr. Rai Chaudhuri.

Mr. TULSI CHANDRA GOSWAMI: I will take five minutes, Sir.

Mr. SPEAKER: Very well.

Mr. TULSI CHANDRA GOSWAMI: Mr. Speaker, my time is very short and naturally like my honourable friend Mr. Fazlul Huq, I want a division on this question. There is one consideration which must weigh with the House. I do not think I need conceal from this House or from the world that, at the inception of the war and even before, there was far more spontaneous sympathy for the Allies among our people than in 1914. Subsequent events have slightly marred that feeling of cordiality. It may be said that that sympathy was of a negative character. I do not deny that. That sympathy was probably

largely born of an antipathy towards the methods of the Nazi Government in Germany, the methods which mean spoliation of other people, which mean destruction of life and, what is more precious than life, of liberty. If it is seriously meant by the British Government that they stand for democracy and liberty, then there must be proof in this country at any rate that liberty is safeguarded. As has been said before, certain restrictions must be imposed in the interests of the prosecution of the war, but such limitations must also be commensurate with the general freedom of the people. To take away freedom of speech, to take away freedom of association is a very serious matter. The Home Minister and the Chief Minister repudiated the charge that this notification and these regulations were made for the defence of their own private position—by private I mean personal. Well, I am not going into that, because my time is short. But I would like to say this, that so far the application of these regulations does not justify the claim that they were made for purposes of war. War is dreadful thing. We abhor war. But when war has come, it is our duty to see that we ourselves can defend our own shores and our frontiers. Has Great Britain given us any opportunity to organize ourselves in the defence of our own country?

Time will show that the policy that she is pursuing at the present moment with regard to India is a mistaken policy. I shall now refer to history which is within the memory of most of us. In 1914, Lord Carmichael sent out a batch of young men to Port Canning for some kind of military training. They were arrested there; and I have heard it, from people who were in the know, that Lord Carmichael protested to the then Governor-General, Lord Hardinge. Lord Carmichael asked him to tell him whether he was the Governor of Bengal or the Commissioner of Police. This is a fact. Now that was in 1914. In 1916, Lord Hardinge had to send out thousands, hundreds of thousands of Indian troops and was begging the people to form defence units. That also is an undeniable historical fact. If during this war the Government of India with the concurrence of the British Government do not allow the formation of defence corps, the formation of army units from among the Indians, they will prove that they cannot rule India for long. My own idea is that satisfied as Great Britain was in those days, in the days prior to the war of 1914-18 and the satisfaction that they had in winning the war made them feel that they could be independent of the assistance of India. The physical power of India has been sought to be exploited already. Why not create an atmosphere in which voluntarily thousands, perhaps hundreds of thousands of young men bearing arms would defeat all the forces, or rather help to defeat all the forces, that are against liberty and democracy in this world? The pinnacle of glory to which England rose is a very precarious perch. Safety dwells

under the staple where people humbly pray. Let men and women of goodwill of all communities unite together and fight those forces of reaction whether in this country or any other country over which England has control or outside the limits of what is known as the British Commonwealth of Nations. I would ask the Government of Bengal to consider this. Curtailment of liberty does not inspire confidence in the people. It does not make men eager to sacrifice. It rather makes them feel that they are not wanted, their co-operation is not wanted. From this larger point of view, the Government of Bengal, if they have any imagination, ought to see that men can happily and freely associate. In associating it may be they would incur the displeasure of the present group of Ministers; but that is a very small matter but in the process of association they may associate very effectively for the good of all including the British. (Applause from the Congress Benches.)

Mr. SPEAKER: Though twice the closure motion was moved I did not put it at that time as the discussion was proceeding. Now as the discussion is finished, to save time it would be better if a Division is not called for on the closure motion as I am sure there would be one for the adjournment motion.

Mr. SANTOSH KUMAR BASU: We are also anxious that there should be voting on this.

Mr. SPEAKER: If Mr. Rai Chaudhuri just finishes his concluding speech by about 7-32 p.m. it will be possible to finish to-day voting on the adjournment motion.

Rai HARENDRA NATH CHAUDHURI: Yes, Sir. I shall be very brief.

Mr. SPEAKER: I also think in view of the time at our disposal the Hon'ble the Home Minister will not be able again to reply to the points raised by the subsequent speakers and the concluding remarks of the mover. I hope he will not do it.

Rai HARENDRA NATH CHAUDHURI: As I said before, Sir, I realize I must be very brief as we are all anxious to go to a Division. Now, Sir, it is very unfortunate that Sir Nazimuddin digressed into subsidiary points that cropped up in this discussion and avoided altogether to answer the primary question, namely, the question of the promulgation of the notification and the reasons that prompted

such action. That was the primary question and not only was he bound to answer the question because I raised it but he was bound to answer the question in view of the fact that in passing the Defence of India Act, the Government of India assured the Central Assembly that not one of the powers conferred on the provincial Governments would be used "unless the contingency justifies and calls for the use of those powers." Therefore it was incumbent on the Home Minister to explain what was the necessity of the promulgation of this notification almost on the morrow of the promulgation of the Ordinance. What he said conveyed the idea as if he was duty bound to promulgate this notice. He was not duty bound as a subordinate authority to promulgate this notice. As a responsible member of an autonomous Government, he should not have been in indecent haste to take away popular liberty; he should have patiently waited until the situation would have justified him to take such action. If there was really any compelling situation, what was that situation that justified him in his opinion to issue this notice, we were all anxious to know about it. But he has absolutely avoided that point and has simply said that it is for the sake of public safety and tranquillity that he has issued the notification. How the public safety or tranquillity was endangered in this province alone he failed to substantiate. Therefore he could not meet the primary point at all. Without attempting to answer that point, he spoke much on Noakhali and Serajganj though they were not the points at issue. Avoiding to meet the real point he further said that even if the Congress Governments had been in power they would have done the same thing. To this the simple answer is that the Congress Governments were in office till the 30th of October, but they did not think it worth while to issue such a notification, whereas the Government of Bengal, were as subservient as prompt to issue the same on the 5th of September within 48 hours of the promulgation of the Defence of India Ordinance Rules and deprive their own people of all freedom of association and meeting.

Then, Sir, Sir Nazimuddin made another point. Averse to issuing challenge as he was, he threw out an actual challenge to prove the allegations regarding Noakhali and Serajganj. That was heroic indeed but had nothing to do with the subject matter here.

Mr. SPEAKER: Yes, that is not in the picture at all.

Rai HARENDRA NATH CHAUDHURI: On the contrary he did not answer our challenge why this notification was necessary, and what was the urgency behind this step. This is the principal point at issue but that has been evaded. Then Sir, he said that there should be peace and tranquillity in this country. No doubt there should be, but there must be peace and tranquillity in other parts of the British

Empire also, and of all places in England and Scotland too. But I challenge any member in this House to quote a single rule or a notification promulgated in Britain of the same nature as the one promulgated by the Government here for the alleged preservation of peace and tranquillity. In fact no such rule or notification has been promulgated in any part of the British Commonwealth not even in England and Scotland. Does it mean that India or for the matter of that Bengal has to be more tranquil at this time than even England and Scotland for the successful prosecution of war?

Mr SPEAKER: I think it is not necessary to put the closure motion in view of the fact that the debate has now concluded.

The motion that the business of the House do now adjourn, moved by Rai Harendra Nath Chaudhuri, was then put and a division taken, with the following result:—

AYES—30.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Ahmed Khan, Mr. Syed.
Aslmuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barmna, Babu Shyama Prosad.
Basu, Mr. Santosh Kumar.
Bhaumik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Jatindra Nath.
Chakraborty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahish Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Direndra Nath.
Deiui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutt Gupta, Miss Mitu.
Dutta Mazumdar, Mr. Nibaronda.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Krishna Prasad.
Manziuzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mookerjee, Dr. Syamaprasad.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Pain Mr. Baroda Prosanna.
Pramanik, Mr. Tarisicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Bhare Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishore Puti.
Roy, Mr. Manmatha Nath.
Roy, Kumar Shib Shekhareswar.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sanaka Sekhar.
Sen, Mr. Atul Chandra.
Sen, Rai Bahadur Jogesh Chandra.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sinha, Srijut Maniendra Bhusan.
Lur, Mr. Narendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Wahed Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—120.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Barma, Mr. Puspajit.
Birkmyre, Sir Henry, Bart.
Blomenstock, Mr. L. M.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhut Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
French, Mr. F. H.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmed, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H.
Jasimuddin Ahmed, Mr.
Kennedy, Mr. I. G.
Megregor, Mr. G. G.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Marindin, Mr. F. J.
Miles, Mr. C. W.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Solaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Mustagawsal Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Nooruddin, Mr. K.
Norton, Mr. H. R.
Patton, Mr. W. C.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sabeb Alam, Mr. Syed.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sanaullah, Dr.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Warren, Mr. P. F. S.
Wordsworth, Mr. W. C.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 80 and Noes 120, the motion was lost.

Mr. SPEAKER: I may just state for the information of the House that we have no sittings of the Assembly on Saturday, Sunday and Monday next.

Adjournment.

It being 7-45 p.m.—

The House was adjourned till 4-45 p.m. on Wednesday, the 29th November, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 29th November, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 11 Hon'ble Ministers and 212 members.

STARRED QUESTIONS

(to which oral answers were given)

Removal of present headquarters of Noakhali district to a permanent site.

*5. **Mr. HARENDRA KUMAR SUR:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state

(*i*) how long the matter of removal of the present headquarters of the Noakhali district to a permanent site is pending before the Government for a final decision; and

(*ii*) whether the Government have accepted the recommendations of the Site Selection Committee appointed for the purpose?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any demand for the purpose will be presented before the House at the session of the Bengal Legislative Assembly commencing on the 27th November, 1939?

(*c*) Do the Government propose to make any declaration about the site of the permanent headquarters before the commencement of the next session of the Assembly?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) The matter is pending since 1933.

(*ii*) The matter is still under consideration.

(*b*) Does not arise.

(*c*) Government hope that a final decision will have been arrived at before then.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state by what time the matter which is under consideration from 1933 is likely to be finished?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: By the end of this financial year.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what are the reasons which are standing in the way of coming to a final decision in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government appointed a Committee, and the Committee recommended a site; but now the whole question hinges on financial considerations. The cost is going to be enormous if Government agree to accept the recommendations of the Committee. They will have to compare the advantages of different sites and also the cost involved in each case and then come to a decision.

Dr. NALINAKSHA SANYAL: Is it a fact that a certain site was already selected by Government and some amount of money was spent on it?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is so.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what will happen to this amount of money actually spent on a site provisionally selected, if that site is now left out?

The Hon'bl Sir BIJOY PRASAD SINGH ROY: If Government decide to shift the headquarters to a new site and abandon the site already selected, Government hope to utilize the buildings already erected for some other purpose.

Attendance register for excise vendors.

*8. **Maulvi AULAD HOSSAIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Excise and Salt Department be pleased to state whether there is any attendance register for the excise vendors?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the vendors' presence at the shop only at the prescribed hour is recorded or is their presence at the station recorded as well?

MINISTER in charge of the FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) and (*b*) There is no register of attendance for excise vendors, but vendors often sign the account book in token of their attendance.

Principle regarding promotion to Sub-Deputy Collectors' grade.

*7. **Mr. ABDULLA-AL MAHMOOD:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the total number of Sub-Deputy Collectors promoted from different services after the settlement of the communal ratio;

(*ii*) the number of Muslims, Caste Hindus and Scheduled Castes amongst them; and

(*iii*) the principle on which these promotions or recruitments were made?

(*b*) If the number promoted are not in accordance with the ratio fixed by Government, will the Hon'ble Minister be pleased to state the reason therefor?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) Ten.

(*ii*) One Muslim and nine Caste Hindus.

(*iii*) The principle described in paragraph 4 of the communique of the 12th June, 1939, namely, that in the selection of individuals already in Government service for promotion from one service to another there can be no question of communal interest and promotions must be made on merit alone with due regard to seniority.

(*b*) Does not arise.

Mr. ABDULLA-AL MAHMOOD: With regard to answer (*iii*), will the Hon'ble Minister be pleased to state whether the Government send any instructions to the Public Service Commission with regard to picking out certain names from each department?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, certain number of names were sent from each department.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state how many names were picked up from each department by the Public Service Commission?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state how many of them have been declared fit by the Public Service Commission, and how many of them have been declared unfit?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is no question of "fit" or "unfit". They have been sent up in order of merit.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state whether Government have set up any standard of testing the merits of these candidates?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is what the Public Service Commission is for.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state whether the Public Service Commission is the appointing authority or the Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government is the appointing authority and they examine whether the selection made by the Public Service Commission is correct or not.

Mr. ABDUL KARIM: Will the Hon'ble Minister be pleased to state whether he satisfied himself that all the Muslim officers who were not considered fit for promotion were really less fit than the Hindu officers who were selected?

The Hon'ble Khwaja Sir NAZIMUDDIN: I repeat again that there is no question of "fit" for promotion. The department sent in the names of those whom they nominated for consideration. The Public Service Commission merely tests them in order of merit.

Mr. ABDUL KARIM: Will the Hon'ble Minister be pleased to lay on the table as early as possible the names of the various officers whose cases for promotion were considered together with a statement of their qualifications?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think it will be desirable to do that.

Maulvi ABDUL WAHAB KHAN: Is the Hon'ble Minister aware that there is a certain amount of discontent among a particular branch of the services—the Registration Department—and that the department has been altogether ignored?

Mr. SPEAKER: That question does not arise.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state whether he has examined the records of those Muslim candidates who were not selected by the Public Service Commission?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly, in the case of Sub-Registrars I have. I may inform the House that the first nomination was given to a Muslim who did not accept the appointment.

Khan Bahadur SHAH ABDUR RAUF: Will the Hon'ble Minister be pleased to state if the Government is tied up by the decision of the Public Service Commission in the matter of appointment?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government is the final deciding authority.

Communal proportion in appointments under Jute Restriction Scheme.

*8. **Maulvi ABDUR RASCHID MAHMOOD:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state how many temporary clerks have been appointed in connection with jute registration work in the office of the Chief Controller of Jute Registration?

(*b*) How many of them are Muslims?

(*c*) Have 50 per cent. of the above posts been given to the Muslims, and 15 per cent. to the Scheduled Castes? If not, why not?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) Sixty-two.

(*b*) Twenty-two.

(*c*) No. But the communal ratio prescribed by Government has been observed in respect of all the clerical appointments made at a time in the offices of the Chief Controller, Chief Inspectors, Inspectors, etc., taken together. It has not been possible to observe the ratio in the office of the Chief Inspector as in view of the complexity of the work in that office and the expedition with which it has to be done, it was necessary to appoint men with considerable experience in accounts and office work in that office and most of the Muslim candidates with such qualifications secured better and more lucrative jobs such as those of Inspectors and Assistant Inspectors. A number of clerks of the

jute census office specially trained in the sort of work required to be done were taken over in the Chief Controller's office for facility of work. The deficiency in Muslim percentage in the Chief Controller's office has however been compensated by taking more than the ratio prescribed for Muslims in other offices started under the same scheme.

Dr. NALINAKSHA SANYAL: With reference to question (*c*), will the Hon'ble Minister be pleased to state if similar percentage for the Scheduled Castes, viz., 15 per cent., as recommended, has been provided on the whole in respect of all these appointments?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I think it is not within the purview of this question.

Dr. NALINAKSHA SANYAL: In question (*c*) an enquiry was made "whether 50 per cent. of the above posts have been given to the Muslims and 15 per cent. to the Scheduled Castes? If not, why not?" But in the answer, although reference has been made to 50 per cent. of the posts to Muslims, there has been no reference in answer (*c*) about the Scheduled Castes posts at all.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I am sorry this is a sad omission. From my own information I can say that so far as Scheduled Castes are concerned it was not possible to get qualified candidates up to the full quota they were entitled to.

Mr. BIRAT CHANDRA MANDAL: It is absolutely incorrect. A very large number of qualified candidates was recommended by me.

Mr. MADHUSUDAN SARKER: Will the Hon'ble Minister be pleased to state if it is not a fact that although there were more qualified Scheduled Caste candidates, in place of them less qualified candidates were taken, but more qualified candidates were not taken?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know that. As I said previously, I have replied to the question from my own memory. What I have said might apply only to particular classes of appointments, and not to all classes of appointments.

Mr. SPEAKER: I think it would be better if the answer to the last part of the question is postponed for the present. I will keep the question pending till the answer is ready.

I am keeping it open so far as the Scheduled Castes are concerned pending the reply of the Hon'ble Minister.

Maulvi ABDUL WAHAB KHAN: I am speaking so far as the Muslims are concerned. Will the Hon'ble Minister be pleased to explain how the deficiency in Muslim percentage has been compensated for in other offices? What are the other offices?

The Hon'ble Mr. TAMIZUDDIN KHAN: Here the question is about the number of appointments made in the Chief Controller's Office. Clerks have been appointed in other offices also and if the total number is taken into consideration, 50 per cent. has been given to Muslims.

Maulvi ABDUL WAHAB KHAN: Has the Hon'ble Minister got statistics of all the appointments in the offices of the districts of Bengal?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir, I have got them.

Mr. MADHUSUDAN SARKER: Is it a fact that the appointing authorities are working at their own whims in the case of appointments of Scheduled Castes?

(No reply.)

Maulvi ABDUL WAHAB KHAN: Is the Hon'ble Minister satisfied that the percentage of Muslims has been maintained as a result of the compilation of statistics of all the districts of Bengal taken together?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir, so far as this particular class of appointment is concerned.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state with reference to question (*c*) if any minimum qualifications for the respective posts were laid down by Government—those qualifications relating to the Controller, Chief Inspector, Inspectors, etc.

The Hon'ble Mr. TAMIZUDDIN KHAN: The question relates to the appointment of clerks in the office of the Chief Controller.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that persons at first appointed by this appointing officer were asked to make room for other persons who went with Ministers' letters?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am not aware of that, Sir.

Dr. NALINAKSHA SANYAL: With reference to the statement that it was necessary to appoint men of considerable experience in accounts and office work in that office and most of the Muslim candidates with such qualifications secured better and more lucrative jobs, may we know whether Muslim candidates with some near about qualifications could not be available for the amount of remuneration for these jobs. If it is a fact that Muslim candidates having requisite similar qualifications with other communities candidates were getting much more lucrative jobs, obviously they will not come in. May I therefore know whether those Muslim candidates who had similar qualifications were getting higher salaries elsewhere?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir, the answer says that they got better and more lucrative jobs elsewhere.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister please state the number of clerks appointed in the Chief Controller's Office?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, the number is given in the answer as 62.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state whether the Government sent out any circular or any instructions to the appointing authority with regard to the appointment of all these officers?

The Hon'ble Mr. TAMIZUDDIN KHAN: Probably the honourable members are aware that these appointments were made under extraordinary circumstances. It was essential that appointments should be made very quickly within a very short time; otherwise, there was no possibility of putting the scheme to action at all. Therefore, it was the Director of Land Records who was entrusted with the duty of not only carrying out the scheme, but also of making all appointments, and when he was given charge of the scheme, he was instructed that the prescribed communal ratio should be observed in making appointments.

Dr. NALINAKSHA SANYAL: With reference to this answer that the Director of Land Records was given charge about the appointment, may I enquire what were the instructions to the Director of Land Records about the selection of the candidates?

The Hon'ble Mr. TAMIZUDDIN KHAN: The obvious instructions were that provided qualified candidates are available the communal ratio should be observed.

Dr. NALINAKSHA SANYAL: Who was the particular officer concerned who invited the applications?

Mr. SPEAKER: That does not arise.

Maulvi ABDUL WAHAB KHAN: Will the Hon'ble Minister give us the figures that he has got in his possession of the total number of appointments made in the Province of Bengal and the number of appointments that have gone to Muslims? Because the Hon'ble Minister has already said that he has got the figures with him now.

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, I have got the figures, but I did not say the figures are with me here.

Mr. SHAH ABDUR RAUF: Will the Hon'ble Minister be pleased to state whether after the appointments have been made he enquired whether the instructions regarding the communal ratio were observed by the appointing authority?

The Hon'ble Mr. TAMIZUDDIN KHAN: So far as this class of appointment is concerned, the ratio was observed. I think I am not to answer whether the ratio was observed in making appointments in other spheres of the scheme.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minitser be pleased to state, as he says that the scheme has been launched so hastily, how long this scheme will continue?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, the scheme was launched on the authority of an ordinance. The ordinance has already been placed on the table of this House It will expire after six weeks of the commencement of this session of the Legislature. If the House gives further authority to the Government, then the scheme will continue; otherwise it will end on the expiry of the ordinance.

Mr. ABDULLA-AL MAHMOOD: Are we to understand that if the House does not accept that ordinance, the appointments which have been made will be dispensed with?

Mr. SPEARKER: That follows.

Maulvi AHMED ALI MRIDHA: In view of the answers already given, will the Hon'ble Minister consider the desirability of making an enquiry on the communal ratio as to whether the communal ratio has been observed in the appointments or not?

The Hon'ble Mr. TAMIZUDDIN KHAN: Some enquiry has already been made and further enquiries are being made.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Maladministration in the Bengal Veterinary College.

3. Dr. NALINAKSHA SANYAL: (*a*) Has the attention of the Hon'ble Minister in charge of the Agriculture and Veterinary Department been drawn by certain members of the Assembly to the existence of certain cases of maladministration in the Bengal Veterinary College?

(*b*) Have the matters referred to been enquired into by Government, and if so, what are the results of the enquiry?

(*c*) Is it a fact that one of the Deputy Secretaries of Government conducted preliminary investigations and found dereliction of duties on the part of the permanent incumbent of the post of the Principal of the College?

(*d*) If the answer to (*c*) is in the negative, what were the findings of the investigating officer regarding the said Principal?

(*e*) What action or actions have Government taken so far or are contemplating to take in the matters referred to?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) A petition was received signed by certain members of the Assembly in which allegations of maladministration were made against several members of the staff of the Bengal Veterinary College.

(*b*) An enquiry into those matters was ordered by Government and is still in progress.

(*c*) No.

(*d*) The preliminary investigation was made with a view to ascertaining if there were any grounds for instituting a full and formal enquiry into the allegations made. There were no allegations against the Principal and therefore no question arose of any "findings" regarding that officer.

(*e*) After considering the report of the preliminary investigation, Government decided to have a full enquiry made and departmental proceedings were drawn up against certain members of the staff. The enquiry and the proceedings are still in progress. Government will consider what action it may be necessary to take in this matter when the report of the enquiring officer has been received.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state on which date was the petition received?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I forget the date. It was received, I think, about five or six months ago.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state generally the nature of the allegations made in that petition?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I do not think it will be desirable at this stage to make the nature of the allegations public.

Dr. NALINAKSHA SANYAL: With reference to answer (*c*) "no" to the question whether one of the Deputy Secretaries of the Government conducted preliminary investigations and found dereliction of duty on the part of the permanent incumbent of the post of the Principal of the college, may I enquire which part of this question is referred to by the negative answer "no". The first part or the second part or both?

The Hon'ble Mr. TAMIZUDDIN KHAN: The obvious object of this question was the second part and the answer relates to the second part.

Dr. NALINAKSHA SANYAL: May I enquire if one of the Deputy Secretaries of the Finance Department, Mr. N. M. Khan, in the course of his enquiry did discover and kept it on record that during the Principal, Mr. McGregory's regime, the fees and charges levied from the boarders of the institution have not been accounted for and no auditing has been made, and he said in his note that this has been irregular?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, that was only a preliminary enquiry, and I do not think it will be desirable to give the result out until and unless the further enquiry that is now being made is finished.

Dr. NALINAKSHA SANYAL: In the final enquiry may I enquire if the conduct of the Principal of the college at the time when mal-administrations are alleged to have taken place, is also a subject matter of the enquiry?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, enquiry is being made as to the allegations that were made in the petition referred to and I have already said in my initial answer that there was no allegation against the Principal.

Dr. NALINAKSHA SANYAL: That is exactly what I want to know definitely. Arising out of the preliminary enquiry if certain matters have been discovered by the Deputy Secretary of the Government those matters also have been under investigation or not?

The Hon'ble Mr. TAMIZUDDIN KHAN: Government has given no specific instructions on this point. The whole matter is under investigation and the enquiring officer will enquire into all the points which he considers necessary, arising out of the petition and the subsequent report of Mr. N. M. Khan.

Dr. NALINAKSHA SANYAL: Is it a fact that when the Principal of the time was on leave and the Vice-Principal was officiating, it was the latter who discovered some of the cases of mal-administration and as a result of that he has been in the bad book of the Principal and reported against by the then Principal who has since come back.

Mr. SPEAKER: I am afraid, Dr. Sanyal, that question is too departmental; you can very well understand it.

Dr. NALINAKSHA SANYAL: But this is a matter of public interest, because that unfortunate Vice-Principal has been hounded out from the college and is being treated in a manner——

Mr. SPEAKER: You may put a specific question asking whether there is any consequential effect on that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether there is any consequential effect of some of the discoveries made during the time when the Vice-Principal was officiating as the Principal?

The Hon'ble Mr. TAMIZUDDIN KHAN: The alleged discoveries during the regime of a certain officer which my hon'ble friend refers to are not specifically within the purview of this question. That is a matter of detail and I have already said that so far as the details are concerned it would be very desirable if the matter is not made public until after the fuller enquiry that is now being made is finished.

Mr. ABDULLA-AL MAHMOOD: With regard to answer (*d*), if in the preliminary investigation it has been found that the Principal was in no way guilty of any of the charges brought against him, will the Hon'ble Minister be pleased to lay on the table the report of the preliminary investigation?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I think it would not be desirable to lay before the House the preliminary report at this stage. I have already explained that the preliminary report was not the final say on the matter. The other enquiry that is now going on has been necessitated by the preliminary report and action will be taken on the final report.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister please state whether or not the Principal of the college has been absolved from the allegation or charges that were brought against him?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, the answer that I have given is that there were no allegations against this officer.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that three Hindu officers of that institution had been under suspension for the preliminary investigation and are continuing as such for the final investigation, and in the places of these three Hindu officers three Muslim officers have been appointed temporarily on the recommendation of the present Principal with a view to get some kind of sympathy from the Ministers with regard to himself? (Laughter from the Congress Benches.)

Mr. SPEAKER: I am afraid, Dr. Sanyal——

Dr. NALINAKSHA SANYAL: All right, Sir. Is it a fact that three Muslim officers have been appointed superseding the just claims of many Hindu officers?

The Hon'ble Mr. TAMIZUDDIN KHAN: May I submit, Sir, that this question does not arise?

Dr. NALINAKSHA SANYAL: Were they appointed as an intermediate arrangement?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, the position is this. The enquiry is going on and three officers are under suspension.

Dr. NALINAKSHA SANYAL: When three of the Hindu officers were under suspension, is it a fact that normally those who were likely to get these posts have not been given the same but some people have been brought from below with a view to hoodwink the Ministers about the conduct of the Principal himself.

Mr. SPEAKER: I am afraid that question does not arise here.

Oath of allegiance.

Mr. SPEAKER: I am sorry I have made an omission by not taking the oath of a new member Mr. R. B. Whitehead, and I think it will not be fair to deprive the hon'ble member from sitting in the House.

The following member took the oath or affirmation of allegiance to the Crown:—

Mr. R. B. Whitehead.

Questions pending from the last session.

Pj. NARENDRA NATH DAS GUPTA: May I know, Mr. Speaker, what has become the fate of the questions pending from the last session?

Mr. SPEAKER: The position is this. In the last session we were governed by the old Rules and Standing Orders, and the new Standing Rules came into operation on the termination of the last session, i.e., the old rules were in force on the day the session came to a close. And under the old rules fresh notice must be given for the next session. Under the new rules which came into effect in the beginning of this session no notice is required. Therefore if the hon'ble member desires to have replies to those pending questions he will have to give fresh notice.

Mr. SIBNATH BANERJEE: Mr. Speaker, Sir, one question of mine pending from the last session was answered the day before yesterday.

Mr. SPEAKER: Well, if the Government voluntarily answer a question I have never stood in their way. (Laughter.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Your department insisted on it, Sir.

Mr. SPEAKER: I think there are also other things on which my department insists for action but with no effect. (Laughter.)

Mr. SANTOSH KUMAR BASU: If your department erroneously did a thing in one case why can't it do the same in another case?

Mr. SPEAKER: The Speaker's department always does the right thing. (Laughter.)

GOVERNMENT BILL.

Bengal Agricultural Debtors (Amendment) Bill, 1939.

Clause 3.

(The discussion on the amendments to clause 3 of the Bengal Agricultural Debtors (Amendment) Bill was resumed.)

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, yesterday I was speaking on my amendment No. 30. This amendment relates to section 4 of the Bengal Agricultural Debtors Act. In that section there is provision that when Government dissolves a board, Government may authorise any officer with judicial experience to exercise such of the powers of the board in connection with making an award as are specified in the Act. Now if the amendment of Government is carried, Government would have the right to authorise any servant of the Crown to exercise the powers of the board. The words "any servant of the Crown" are vague. By my amendment I want to put a qualification; I want that that servant of the Crown must not be below the rank of a Sub-Deputy Collector. In my mind I have got the Circle Officer. Sir, the members of this House who are conversant with the actions of the Debt Settlement Boards are aware that the Boards act in many cases whimsically. Many cases are pending for over one year and some about two years. In spite of petitions from the debtors or from the creditors, the cases are not disposed of. For those reasons I suggest that if

Government interferes and dissolves any board and puts up any man to act on behalf of the board, that man must be a competent one. Further, Sir, section 17 of the Bengal Agricultural Debtors Act states that the board may dismiss those applications which it considers undesirable, but may I ask the Hon'ble Minister in charge of this Bill if he is aware of any case where any board exercised this right under section 17, where any Debt Settlement Board dismissed any application under this section on the ground of the petition being undesirable. Had it been so, then, I believe, several petitions involving the settlement of debts amounting to even Rs. 30 lakhs would have been summarily dismissed by such boards, because the debtors in those cases were not only not agriculturists, but were big zemindars and rich men. When this Act was passed, the public were given to understand and it was the intention of the legislature also that this law was going to give relief to rural indebtedness, i.e., indebtedness of the agriculturists; but unfortunately the definition of an agriculturist was badly worded and under the wordings of that definition many people whose principal means of livelihood was not agriculture came to the board to apply for the settlement of their debts involving lakhs and lakhs of rupees. Many traders and industrialists who borrowed huge sums of money not for the purpose of agriculture but for trade and industry and whose means of living was not agriculture came under the shelter of this Act and applied for the settlement of their debts. I do not object to the settlement of their debts by the Debt Settlement Boards, but what I want to mention here is that the fact that such applications have not been dismissed by the boards has encouraged many debtors to put their creditors into difficulties. The result has been that other traders and industrialists who are in need of money for carrying on their trade and industry are not getting any loan from anywhere, because the would-be money-lender is afraid that if such a loan is given, the debtor would go to the Debt Settlement Board after taking the money. It is, therefore, desirable that such a person only ought to be given the power of a full board as may enjoy the confidence of the public. So I submit that if Government chooses to authorise any person to act as a board, then that person, although he may be a servant of the Crown, must not be below the rank of a Sub-Deputy Collector. In this connection I want also to mention that there are many members in this House who make it a grievance of and often that the members of many boards are not above corruption. In the cases where Government dissolves a board, it may be presumed that the members of the board belong to that category and have not functioned properly. Specially in those cases Government should appoint a competent person to act on behalf of the board, and that competency I limit by his position as a Sub-Deputy Collector. That is all that I had to say and I hope that the members of this House will accept my amendment.

(At this stage the House was adjourned for 15 minutes.)

(*After adjournment.*)

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, I do not propose to move my own motion because Mr. Narendra Nath Das Gupta has already done it, but I propose to support the motions of Messrs. Biswas and Das Gupta. May I ask in all humility the Hon'ble Minister in charge what has prompted him and his party to replace officers of judicial experience by any servant of the Crown? May I know from his experience as to whether there has been any difficulty or disaster as a result of the affair of a board having been handled by officers with judicial experience? If the answer is negative I am afraid no case has been made out for replacing the old Act by the new section. As you know, being a lawyer of experience and as the Hon'ble Minister knows, ordinarily affairs of litigation which determine the fates of parties to a large extent have got to be decided by persons with judicial training. As a matter of fact, the public service, the Judiciary, the higher Civil Service, is financed out of the revenues of the State because it is presumed that they should be kept for judicial training and maintained at the cost of the provincial revenue. This can be departed from upon one assumption as has been done in the case of Union Boards and Union Benches where persons having knowledge of local affairs and of their own men can for the purposes of adjustment apply their own personal knowledge of the locality not to the detriment of the parties concerned but by way of better adjustments under the circumstances. I don't think that assumption is wrong although in some cases there has been failure of justice, but that can also be contended in the case of the judiciary. Either let us have a man of judicial experience in the conventional way or let us have men of the localities in the fresh conception of things, so that they can deal with men and affairs as a sort of practical adjustment bringing the highest good under the circumstances to the parties concerned. But let us not strike a via media. If anything is applicable in the case of a public servant it is that he is always a foreigner. No servant of the Crown is a local man. If he is an Assistant Sub-Inspector of Police,—I do not think my friend will agree to keep these important matters in the hands of chowkidars and daffadars, even though by some judicial interpretation of the High Court chowkidars and daffadars have been contended as servants of the Crown. But still I think the Hon'ble Minister will not agree to select persons in the grade of chowkidars and daffadars—but if he is an Assistant Sub-Inspector or a Sub-Inspector of Police, he is a foreigner and neither is he judicially trained nor equipped with the valuable knowledge of the locality in point of men and social conditions. Therefore, there is a great deal of prudence in the contention of my friend, Mr. Biswas, that if really the Boards feel that some unusual things must have happened, there are some village politics, some *gol mal*, and some sort of extraordinary things there

they should not be left in the hands of raw jute restriction officers or Sub-Registrars or Assistant Sub-Inspectors or literate constables. If these people are entrusted with the affairs they will become petty tyrants as lords of the people of the villages, and we know of officers of all stages who in their earlier stages are young men with sweeping enthusiasm and over-zealousness who probably in the absence of a salam or of an entertainment at a tea party would get annoyed. So let us have balanced judicial officers not below the rank of Sub-Deputy Collector and let us not make new experiments with this piece of legislation, which legislation has instead of doing good which was intended has done a lot of mischief to the people concerned. So in all humility I ask let us not try a new experiment but stick to the old position. And I again request my friend, the Hon'ble Minister to cite any case where a man with judicial experience has proved not to be a blessing.

The Hon'ble Mr. MUKUNDA BEHARI MULLICK: Mr. Speaker, Sir, I am sorry I have to oppose both the amendments. (Mr. SASANKA SEKHAR SANYAL: We are also sorry for that.) There has been a good deal of suspicion over this matter. I tried to submit to the House day before yesterday when Mr. P. Banerji raised this question as to why a servant of the Crown should be preferred to an officer with judicial experience. This is an amendment of section 4 of the existing Act. That section deals with the circumstances that may arise on the dissolution of a board. It has got nothing to do with anything else during the time a board may be functioning. But as soon as a board is dissolved there must be some officer to take charge of the affairs of the board. I should have been very happy if I could have accepted Mr. Biswas' amendment; but the difficulty is that while appreciating the position that he enunciates it is rather impossible for Government to find such a large number of officers that may be required at the end to take charge of the business of the boards. Therefore, we have suggested that any servant of the Crown, for example, a special officer in charge of Debt Conciliation Boards who may by his experience be better able for this work,—be appointed to take charge of the affairs of these boards. We have not got such a large numbr of Sub-Deputy Collectors as would be required, but if that were possible perhaps I would have been very happy to accept this amendment. But in the present condition, I am afraid I cannot accept either of the amendments.

Mr. Biswas's apprehension is that there have been cases where the amount involved was very heavy and he asks me whether I could give any instance where a board did exercise powers under section 17. I cannot speak of all the cases, but I know of cases where the boards have dismissed cases under section 17 as being unsuitable or impracticable. If there has been anything wrong my honourable friend also knows that there is a provision for an appeal and the

appellate officer is always an officer with some sort of judicial experience. If the matter is taken to the appellate officer there ought not to be any grievance that the matter has not been properly looked into. As regards the anxiety expressed by my friend I can give him this assurance that we do not intend to have any officer of the type of Assistant Sub-Inspector of Police, or chowkidar or daffadar for this work. I drew his attention the other day to section 5 of the existing Act whereby power given to Local Government under sections 3 and 4 can be delegated to the Commissioners, and when a Commissioner acts under that power delegated to him, I think we can reasonably hope and trust that the officer in charge of a division will not think of the Assistant Sub-Inspector of Police, chowkidar or daffadar being entrusted with the affairs of a board when dissolved.

I submit, therefore, Sir, that the amendment that we seek to make in the Bill is quite proper and the amendments now proposed are not necessary. On these grounds I oppose both the amendments.

The motion of Mr. Narendra Nath Das Gupta that clause 3 be omitted was then put and lost.

The motion of Mr. Surendra Nath Biswas that in clause 3, in line 3, after the words "servants of the Crown" the words "not below the rank of a Sub-Deputy Collector" be inserted was then put and lost.

The motion that clause 3 stand part of the Bill was then put and agreed to.

Clause 4.

The motion that clause 4 stand part of the Bill was then put and agreed to.

Clause 5.

Sj. NARENDRA NATH DAS GUPTA: I beg to move that clause 5 be omitted.

গত কল্য আমাদের কোয়ালিশন পার্টির বন্ধু আব্দুল হামিদ সাহেব কলাকার প্রস্তাবের সময় বোলেছেন যে যদি মাত্র দাললধারী চাষীদের এই আইনের ভিতর ধরা যায় তাহলে শতকরা ৪০ জন এর মধ্যে পড়ে। কাজেই কৃষক নয়, অথচ যাদের কৃষি কার্য্যের দ্বারাই উপজীবিকা হয় তারা ও এই আইনের মধ্যে আসতে পারবেন বোলে তিনি যুক্তি দিয়েছেন যে শতকরা ৪০ জনকে কেবল যদি এর মধ্যে ধরা হয় তাহলে আর যে ৪০ জন বাদ পোড়বে তার ফলে বাংলাদেশ শ্মশান হবে। এইটে বোলে তিনি দেখিয়েছেন যে আগে প্রবিক সংখ্যক লোকের মধ্যে আইনটা সম্প্রসারিত করা হোক, এবং যতই সম্প্রসারিত হবে ততই সাধারণ কৃষকদের পক্ষে এ আইনের সুযোগ লাভ করা সম্ভব হবে। তাঁর এই যে সংশোধন প্রস্তাবটা এসেছে এতে তাদের অবস্থা কি হবে সে সম্বন্ধে আমার একটা গল্প মনে পড়লো। একজন বাঙ্গালী নিরামিষাশী হয়েও মাঝে মাঝে বাজার থেকে

মাছ কিনছেন। জোকে তাকে জিজ্ঞাসা কোরলো আপনি নিরামিষাশী, তবে মাছ কিনে নেব কেন? তিনি বোলছেন আমার বড়ীতে বেড়াল আছে, তার জন্য। কিন্তু সকলেই একথাও জানতো যে সে মাছ যদিও বেড়ালের জন্য কিনে দেওেও বেড়ালের ভাগ্যে কাঁটা ছাড়া মাছ কখনো পড়তোনা। এই যে সংশোধনী প্রস্তাব এসেছে এর মাছের ভাগ যে কাদের ভাগে পোড়বে সে বোঝাই যাচ্ছে। হতভাগ্য যারা তাদের ভাগে পোড়বে শুধু কাঁটা, অথচ তাদের নাম কোরেই amendment আনা-হোয়েছে। যদি কোন কৃষকের খাজনা বাকি থাকে সমস্ত জোতের জমার দরুণ, তাহলে আর যে সমস্ত সেরার হোল্ডার আছে যদি তাদের occupation কৃষি না হয় তাহলে তাদের Debt Settlement Board এর মধ্যে আসতে পারেনা, কিন্তু এখন নাকি যা হোতে চলেছে তাতে সমস্ত অংশীদারই Debt Settlement Board এ আসবে। সুতরাং এটা বিশেষ কোরে ভাববার বিষয়, বিশেষতঃ যখন occupation এর ধারাটা উঠে গেছে। আমরা জানি মুসলমান ভাইদের মধ্যে মেয়েছেলেরা সকলেই সম্পত্তির অংশ পায়। সে হিসাবে যার চৌদ্দপুরুষে কৃষক ছিলোনা, বা যাদের কোন সময়ই কৃষক হবার ইচ্ছা নাই, তারাও কৃষি যোগ্য জমির অংশীদার হোয়ে পোড়বে, বর্ত্তমানে যে সংশোধনী আইন হলো তা যখন আমলে আসবে। হিন্দুদের মধ্যে মেয়েরা সম্পত্তির অংশ পায়না কিন্তু যাদের মা বাপ নাই তারা সম্পত্তি পায়। তাহলে আর বাকি থাকবে কয় জন? মুসলমান সমাজে প্রায় সকলেই কৃষক শ্রেনীতে পোড়বে। হিন্দু সম্প্রদায়েও যারা কৃষক আছে তার চেয়ে আরো অনেকে কৃষক-শ্রেনীতে পোড়বে। তাহলে বাকি থাকবে কয় জন? মাত্র ৫।৭ জন শতকরা বাকি থাকিবে। কাজেই যদি প্রয়োজনীয় এই আইনটা পাশই করা হয় তাহলে তার ভিতর থেকে শতকরা ৫।৭ জন বাকি থাকে কেন? আমার বন্ধু রসিক বাবু যে বোলেছিলেন সব দেনাই abolished হোক। (MR. RASIK LAL BISWAS: আমি এখনো সেই কথাই বলি।) সে জন্য আমি বোলছি—এটাকে Bengal Agricultural Debtors Bill না কোরে, শুধু Bengal Debtors Bill নাম দিলেই হয়, তাহলে বাস্তবিক থেকে দুচার জন বাদ পোড়বে না। যদি কোন বড় নিমন্ত্রণের বাড়ীতে গ্রামের অনেক লোকই খায় আর দুচার জন বাদ পড়ে, তাহলে যেমন বিসদৃশ ঠেকে, এ ক্ষেত্রেও সেই রকম। এখানেও যদি Debtors Act কোরে দেওয়া যায় তাহলে সমস্তই নিষ্পত্তি হোয়ে যায়। আমরা জানি নিজের কাজ হাসিল করার জন্য কেমন করে অপরকে পাছে তুলে মই টেনে নেয়া হয়। গরীব প্রজাকে দিয়ে তার ঘাড়ে ষোল আনা দায়িত্ব চাপিয়ে দিয়ে ভাগ্যবান অংশীদারগণ যে এই আইনের সুবিধা নিয়ে গরীবের সর্ব্বনাশ কর্ত্তে দ্বিধা করবে না সে কথা কি বুঝিয়ে বলার বেশী দরকার আছে? তবু একটা উদারহণ দেয়া যাক। কোন একটা জোতের মোট জমা যদি ৫০৲ টাকা হয় এবং সেই জমার অন্তর্গত একজন কৃষক যদি একটাকা খাজনা দেয় আর ৯৯৲ টাকা খাজনা দিচ্ছে যারা তারা যদি কৃষক না হয় এবং তাদের occupation ও যদি কৃষি না হয় তাহলে তারা Debt Settlement Board এ আসতে পারে না, কিন্তু তারা এখন থেকে যে কৃষক মাত্র একটাকা খাজনা দেয় তাকে দিয়ে সমস্ত ৫০৲ include করিয়ে আর্জি দিতে রাজী করাবে তারা নিরীহ একটাকা খাজনার কৃষকটীকে বোলবে—"তুমি আর্জি দাও, খরচ আমরা দেবো"। তারা নিজেরা কেন আর্জি দিতে পারে না সে কথাও বোলছি—মফঃস্বলে অনেকে বলে যে আমরা Debt Settlement Board চেয়ে আউট্ ফির জ্বালায় মহা বিপদে পোড়েছি। মামলা কোরে কোন লাভ নাই। আমি অনেক জিজ্ঞাসার পরে বুঝতে পেরেছি এই "out fee" কি? out fee মানে award fee এবং এই award fee নিয়েই মফঃস্বলে একটা নূতন শব্দ out fee বোলে সৃষ্টি হোয়েছে। এই যেখানে ফিয়ের জ্বালায় কৃষকেরা বোর্ডে মামলা করার সুযোগ থেকে বঞ্চিত হোচ্ছে সেখানে যদি সমস্ত গরীব কৃষকদের বলা হয়—"তোমরা মামলা কর, মামলার খরচ আমরা দেবো, সহস্রাধিক টাকার দায় তোমার ঘাড়ে নাও" তারপর যখন পঞ্চাশ টাকার দায় পোড়বে চাষীর ঘাড়ে এবং যাদের আশ্বাস দেওয়ার ফলে ঐ পঞ্চাশ

টাকা সে বিজ্ঞের ঘাড়ে নেবে, তাদের কাছ থেকে কে আদায় কোরবে? সে যে তার আত্মীয় স্বজনের কাছ থেকে আদায় কোরবে সে অসম্ভব ব্যাপার। আমরা গ্রামের কথা গরিবের কথা জানি বোলেই বোলছি যে এটা সম্ভব হবে না। কাজেই যে বোলেছি—মাছ খাবেন বাবাজী কাটা পোড়বে বেড়ালের ভাগে। এ আইনের ফলেও জমিদারদের স্পর্শ কোরবে না, যে সমস্ত নিম্নতম ভূম্যাধিকারী, যাদের আয় ২০ টাকা, ২৫ টাকা, ৫০ টাকা, কি বড় জোর একশো টাকা, যারা আইন আদালত কোরতে না পেরে এমনিই ধ্বংসের পথে চোলেছে, তাদের আরো ধ্বংসের পথে এগিয়ে দেওয়া হবে। এবং তার ফলে নিম্ন ভূম্যাধিকারীর হাত থেকে সম্পত্তি যাবে ধনী ভূম্যাধিকারীর হাতে। যেমন গরীব প্রজার সম্পত্তি যাবে ধনী প্রজার হাতে। এই যদি মন্ত্রীসভার উদ্দেশ্য হয় তাহলে এটা পাশ করুন। তবে সেটা গরীব প্রজার উপকারের নাম কোরে তাদের মাথায় কণ্টাল ভেঙ্গে ধনীদের কোষ থাবার যে ব্যবস্থা হোচ্ছে সেটা থেকে আমরা মাপ পেতে চাই।

Maulvi ABU HOSSAIN SARKAR: Sir, I beg to move that in clause 5 in proposed section 9(3), lines 5-6, for the words "the entire amount" the words "his share" be substituted.

I beg also to move that in clause 5 in the proposed section 9(3), lines 9-10, the words "the entire amount of" be omitted.

I also move that in clause 5, in proposed section 9(3), proviso (*a*) in lines 3-4, the words "and that of the said other persons" be omitted.

I also beg to move that in clause 5 in proposed section 9(3), proviso (*a*) in lines 6-8, the words from "But" to "order" be omitted.

I also move that in clause 5 after proviso (*b*), to proposed section 9(3), the following new proviso be added, namely:—

"(*c*) The co-sharers of the tenant may in due time join the petitioner as co-applicant."

I admit, Sir, that the amendments proposed by the Government this time are some sort of improvement, but that does not take away the whole difficulty. The law passed by the previous Government did not allow the tenants to apply alone or separately for the rents which were due to the landlord. Without any provision of that nature some difficulty arose. In most cases the co-sharer tenants did not join with the persons who were willing to get an award, and therefore the Debt Settlement Boards had to reject the application in most cases. Also in some cases, the co-sharers out of possession never joined the applicant. That is also another difficulty which compelled the Debt Settlement Boards to reject a good number of cases. In practical knowledge we know that some unscrupulous landlords in order to teach lessons to the tenants would buy up one or two co-sharers, and therefore as those co-sharers could not join in that petition, the cases were dismissed. Here only a part of the difficulty is going to be removed. If the amendment proposed by the Government be passed the tenants will have to apply for the entire amount and if he gets an award of that nature, the difficulty will arise then. The amount may be very heavy; the poor tenants will

have to pay the entire arrear rent of the holding, and even if he pays that, there is again the difficulty of realizing the money which will fall to the share of the other co-tenants by contribution. You know, Sir, and I appeal to the Hon'ble Minister in charge to consider how difficult it is to realize money by contribution because in most cases the tenant has got a good number of co-sharers, and some of them may be very rich. Therefore, even after getting a decree for contribution he would not be able to realize the whole amount which he will have to pay. Therefore, as I submitted, the difficulty of the tenant who will get an award will come after the award is given for realizing or for paying up the entire amount.

Sir, I by these amendments propose that a tenant should be allowed to apply to the Debt Settlement Boards for his share alone. In that case the burden which will be put on him will be lightened, and he will easily be able to secure the amount that will fall to his own share. My honourable friend, the Minister in charge may come forward with some objections. He may urge that the landlord will not agree in that case. Therefore an award may not be possible. But I submit that section 17 (2) also will help the Debt Settlement Boards to give out something like an award or at least the landlord in that case will not be able to harass the tenants.

Then again, another case can be brought forward that if individual tenants are allowed to apply to the Debt Settlement Boards that will in effect be a mutation; but I submit that the Debt Settlement Act is a temporary device. Arrears which will fall after 1940 will not come within the operation of the Agricultural Debtors Act. Therefore the fear of getting a mutation indirectly through the Debt Settlement Boards does not arise. Therefore, Sir, I submit that these amendments, if accepted, will do immense good to the poor tenants. He will be able to pay up his own arrears; at the same time he will not fall under the difficulty enumerated by me.

With these few remarks, Sir, I commend my amendments to the House for acceptance.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I have to oppose all the amendments. With respect to the one moved by Sj. Narendra Nath Das Gupta that the whole clause 5 be omitted, I think, Sir, the answer has been given by my friend Mr. Abu Hossain Sarkar. It is not designed that a tenant who has got one-fiftieth share in a holding is compelled to make an application if he does not choose to do so. It is just the other way that to remove the difficulty he is suffering from this section is going to be amended in order that a tenant who is willing and ready to have his debts settled in the absence of his co-sharers should have the powers under the Act to do so.

Now, Sir, in view of what has been said by my friend Mr. Sarkar, I do not think I should dilate upon that point. But the difficulty arises when I come to give a reply to the amendments moved by him, namely, by my friend Mr. Abu Hossain Sarkar. He has anticipated my answer to some extent that if a tenant comes forward to have his share only of the rent settled, objection will be taken by the landlord that he is not agreeable to such an award. Now, Sir, the question is this, that it is not exactly the heaviness of the amount, but it is just to give that right to one of the co-sharers to come before a Board for having an award of the whole rent. The holding is there and my friend Mr. Sarkar knows that the rent is the first charge upon the holding and even under the existing Act, section 23 makes it amply clear that we cannot touch the principal amount of the rent. But the law as it stood so far did not permit a co-sharer tenant to make an application if he wanted to in the absence of his other co-sharers, some of whom may be absent, some of whom may be unwilling and some of whom, as Mr. Sarkar has put it, might have been purchased by the landlord himself to create trouble. Under those circumstances we think it only fair and just that the co-sharer tenant who is willing to have his share of the rent settled ought to be allowed to come up, but that he must be prepared to take the responsibility for the whole rent. No difficulty is there in his way, for the holding is responsible for the rent and again the liability for any extra amount that he takes on behalf of his co-sharers can certainly be remedied by contribution which is also under contemplation by this amendment of the section.

Maulvi ABU HOSSAIN SARKAR: That is very difficult, you know.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, in between the two sets of difficulties I would ask my friend Mr. Sarkar to say which is less and which is more. He would have no right whatsoever if he wanted under the existing Act to come forward for a settlement of his rent. The result has been, as we have found from our experience of the working of these Boards all these years now, that many of the holdings have been sold away, because a willing co-sharer tenant had not the right to come before the Board for settlement of rent. He would now get the right to do so even when he is a small co-sharer. I submit therefore, Sir, that although I have every sympathy with the suggestion of my friend Mr. Sarker, the practical difficulties make it impossible for us to accept his amendment.

So far as the other amendments are concerned namely, 35, 36 and 37, I think my previous reply will meet all these amendments.

Now, with respect to the last point where he suggests that if a co-sharer tenant does not come in the first instance he should be

allowed "due time" to come and join. Now, Sir, when an application is made notices are issued to the landlords as also to the co-sharer tenants. If there is a co-sharer tenant who is willing to come in at a later stage there is nothing to prevent him from doing so as soon as he gets the notice. Therefore I submit that this amendment becomes absolutely unnecessary or redundant. On these grounds I oppose all the amendments.

The motion of Sj. Narendra Nath Das Gupta that "clause 5 be omitted", was then put and lost.

Mr. SPEAKER: Mr. Sarker, have you any objection to put all your amendments, namely, 33, 35, 36, 37, and 39, together?

Maulvi ABU HOSSAIN SARKAR: No, Sir.

The motions of Maulvi Abu Hossain Sarkar that in clause 5 in proposed section (3), lines 5-6, for the words "the entire amount" the words "his share" be substituted.

That in clause 5 in the proposed section 9(3), lines 9-10, the words "the entire amount of" be omitted.

That in clause 5, in proposed section 9(3), proviso (*a*) in lines 3-4, the words "and that of the said other persons" be omitted.

That in clause 5 in proposed section 9(3), proviso (*a*) in lines 6-8, the words from "But" to "order" be omitted.

That in clause 5 after proviso (*b*) to proposed section 9(3), the following new proviso be added, namely:—

> "(*c*) the co-sharers of the tenant may in due time join the petitioner as co-applicant,"

were then put and lost.

Mr. SPEAKER: That disposes of all the amendments to clause 5.

The motion that clause 5 stand part of the Bill was then put and agreed to.

Clause 5A.

The motion that clause 5A stand part of the Bill, was then put and agreed to.

Clause 6.

The motion that clause 6 stand part of the Bill was then put and agreed to.

Clause 6A.

The motion that clause 6A stand part of the Bill, was then put and agreed to.

Clause 7.

Mr. SHAHED ALI: Sir, I beg to move that clause 7(*1*) be omitted.

By this new clause the Hon'ble Minister wants that sub-section (*1*) of section 14 of the original Bengal Agricultural Debtors Act be omitted. That sub-section reads thus:—

"When a creditor has submitted to the Board a statement of debt under sub-section (*2*) of section 11 or sub-section (*1*) of section 13, the Board shall fix a date for the production of all documents (including entries in books of account) by which the creditor intends to prove any debt owing to him together with a true copy of each such document."

Sir, if my motion be accepted the original section 14(*1*) will remain intact. Otherwise if the amendment proposed by the Select Committee be accepted, there will be no provision to submit all the relevant documents before the Board at the time of filing the application. At present whenever a petition is filed before the Board for settlement of any debt, all the documents in original together with true copies of such documents are submitted before the Board. The Board keeps the copies verifying their correctness and returns the original to the creditor, so that the debtor when he wants to file any statements before the Board he can get the benefit of the certified copies of the documents produced by the creditor and filed in the Board to know exactly what is the amount, what is the interest and what is the due date. It is now proposed by this amending Bill to do away with this procedure so that not only the debtor will be ignorant of the amount, interest, etc., but it will give scope to the creditor to tamper with the entries in his account books, because the documents will be filed on the date of hearing. It is therefore essential in the interests of the debtors that a true copy of the documents on which the creditor relies should be furnished along with the petition. This is all, Sir, I have got to say with regard to this amendment.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am sorry my friend is labouring under a misapprehension. It is as I have said on a previous occasion only to expedite matters and to shorten the time that the Board may take, that we have thought it necessary that all the notices including those for the purpose of filing the documents together with the statements should be issued simultaneously and it is designed to be done by this amending clause. While under the existing Act perhaps 3 months would have passed before the documents

can come in; by this amendment they would be coming within a month. It is with this end in view that we have thought it necessary to amend this section. On these grounds, Sir, I oppose the motion.

The motion of Mr. Shahed Ali that clause 7(*1*) be omitted, was then put and lost.

The motion that clause 7 stand part of the Bill, was then put and agreed to.

Clause 8.

Mr. SHAHED ALI: Sir, I beg to move that in clause 8, in proposed section 18(*5*), line 8, for the word "pronounced", the words "given delivery of possession in" be substituted.

I beg also to move that in clause 8, in proposed section 18(*5*), line 9, the words "has not confirmed" be omitted.

If this is done the wording of the sub-clause will run thus:—

"Notwithstanding anything contained in this Act or in any other law for the time being in force or in any contract, where a creditor has taken possession on any terms whatsoever of any immovable property of the debtor as security for or in lieu of payment of, any portion of the principal of the debt or any portion of the interest thereon, and where the Court has not given delivery of possession in a final decree for foreclosure or has not confirmed a sale held in execution of a final decree for the sale of the property, . . "

This is necessary because section 18 is to determine the amount of the principal and the amount of the arrears of interest. But when the property is in possession of the creditor, the difficulty arises as to how to determine the interest and the principal, because the creditor can possess it till the delivery of possession is taken. My amendment proposes that the computation of principal and interest should be till the time of taking delivery of possession, and not before as proposed by the amending Bill.

Mr. SACANKA SEKHAR SANYAL: I beg to move that in clause 8(*3*), in proposed section 18(*5*), in line 18, after the word "management" the words "or for the maintenance" be inserted.

It is only a drafting improvement and will serve the purpose of the Hon'ble Miniter as well.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have to oppose all these amendments. With respect to Nos. 44 and 45, I am sorry there is some amount of misunderstanding. This clause (clause 8) which seeks to amend section 18 by adding a sub-clause (sub-clause

5) dealing with usufructuary mortgage contemplates this: that the possession is already there and if we are to wait it will complicate matters unless it is restored. It is only to avoid that difficulty that we are going to make the present amendment.

With regard to the amendment of Mr. Sasanka Sekhar Sanyal for a drafting change I submit that management certainly includes maintenance. Therefore, no further amendment is necessary.

The motions of Mr. Shahed Ali that in clause 8, in proposed section 18(5), line 8, for the word "pronounced", the words "given delivery of possession in" be substituted; and that in clause 8, in proposed section 18(5), line 9, the words "has not confirmed" be omitted, were then put and lost.

The motion of Mr. Sasanka Sekhar Sanyal that in clause 8(3), in proposed section 18(5), in line 18, after the word "management" the words "or for the maintenance" be inserted, was then put and lost.

The motion that clause 8 stand part of the Bill was then put and agreed to.

Clause 9.

Mr. SURENDRA NATH BISWAS: I beg to move that clause 9 of the Bill be omitted.

Clause 9 of this Bill relates to two different provisions. Firstly, it wants to delete the proviso (*ii*) to section 19(*b*). That proviso is as follows:—"Provided that for the purposes of this clause an offer shall not be considered by the board to be a fair offer if it contemplates the reduction of any debt to an amount which is less than the original principal of the debt as determined under sub-section (3) of section 18, unless creditors to whom there is owing not less than 60 per cent. of the total debt agree to the proposed reduction". This was rather a safeguard against the malicious activities, if any, of a debtor. This proviso protected the interests of *bona fide* creditors when those creditors were to get 60 per cent. of the total debt settled. After all the Bengal Agricultural Debtors Act contemplates that the debts should be settled through the instrumentality of a board. This settlement requires apparently the consent of both the parties. It should be the primary duty of every board to bring about a settlement between the two parties. Section 19 states that when creditors to whom there is owing not less than 40 per cent. of the total debt agree to an amicable settlement with the debtor, the board, if it is so empowered under section 7 and if it considers that an offer made by the debtor, etc., etc., so order that the debt to which the offer relates shall be settled in accordance with such offer. It only requires the creditors of the 40 per cent. debt to agree to an amicable settlement. If that would happen the board would pass an order that the debt due to 60 per

cent. of the creditors also should be settled according to that amicable settlement. Take for instance one case where the debtor applied for the settlement of his debt alleging that he borrowed Rs. 40 from so and so person, although he did not really borrow that amount but made the false statement to bring his debt within the purview of section 19 of the Act, and Rs. 60 from another person. He wants the board to settle the debt of Rs. 100, Rs. 40 bogus debt and Rs. 60 real debt. If the debtor makes an amicable settlement with the bogus creditor of 40 per cent. debt, then the board shall settle the debt according to that settlement. This is section 19 of the Bengal Agricultural Debtors Act.

But when this law was being enacted it certainly occurred to the legislature that some protection must be given to the 60 per cent. creditor and that protection was given only in the case when that amicable settlement made with the creditors of 40 per cent. of the debt wanted reduction of the principal amount for the purpose of settlement.

Mr. SPEAKER: I am afraid, Mr. Biswas, you are just diverting from your point. The present bill, as it stands, contemplates composition on the agreement of a certain proportion of creditors. That element of agreement of the creditors being done away with, you can only argue on the basis whether creditors' consent is necessary.

Mr. SURENDRA NATH BISWAS: If this proviso is taken out, then that protection will be denied to the creditors and even in the cases where an amicable settlement brought about between the debtor and the creditor of 40 per cent. of the debt relates to the reduction of the principal amount, the board shall pass an order that the whole debt should be settled accordingly. To that I object. The safeguard should remain. When a law is enacted the legislature should consider not only the case of the debtors but also that of the creditors. When I say that bogus creditors may be set up, I think I am not exaggerating a bit. To my knowledge many bogus creditors have been set up by the debtors in order to take advantage of section 19. It is not the intention of the legislature nor of any member of this House that the debtor should set up bogus creditors, but in fact he does. There must be some protection against such practice and I appeal to the Hon'ble Minister to retain that proviso intact.

The second part of this clause is that after sub-section (*b*) another sub-section (*c*) shall be inserted, namely:—when in respect of a debt referred to in sub-section (*5*) of section 18, the board, if so empowered under section 7, considers that the debtor has made an offer for the settlement of the debt which the creditor ought reasonably to accept, it may order that the debt be settled in accordance with such offer and may pass a further order directing the creditor to restore to the

debtor by a specified date any immovable property of the debtor which is in his possession as security for such debt. Then there is the provision of the fixation of date—"Such date shall be fixed in consideration of the profits derived and the estimated profits which may be derived by the creditor from such property provided that in no case shall the date be so fixed as to allow the creditor to enjoy possession of the land by the raiyat or under-raiyat for a period exceeding 15 years from the commencement of such possession." I should first refer to the proposed sub-section (*c*). Sir, in ordinary cases section 19 would require the creditor to whom 40 per cent. of the debt was owing to come to a settlement with the debtor, and then in that case under sub-section (*b*) the board shall pass an award accordingly. But in the case of the proposed sub-section (*c*) where the debt is secured by mortgage no question of settlement between the creditor to whom 40 per cent. of the debt is owing and the debtor arises. By sub-section (*c*) it is intended that even without the consent of any creditor when the debtor makes an offer and the offer seems reasonable to the board, the board shall pass an order that the entire debt be settled accordingly. And not only shall the board pass an award directly against the creditor but that it shall also restore the property in his possession under mortgage to the debtor. I do not know in whose interest this sub-section (*c*) is going to be put in. I know of a particular case where a tea-planter borrowed a large sum of money mortgaging his garden and giving its possession to the creditor.....

Mr. SPEAKER: I hope you will confine the amount to the limit of Rs. 5,000.

Mr. SURENDRA NATH BISWAS: But similar things may happen to creditors to whom Rs. 10,000 or 15,000 is due.

Mr. SPEAKER: In any case, I hope you will be very brief.

Mr. SURENDRA NATH BISWAS: Yes, Sir. The tea-planter mortgaged his garden with delivery of possession to a particular bank, and taking the last instalment of money under a cash credit account on a particular date the tea-planter on the following day went to the board with an application for settlement of his debt. And what happened? The board arbitrarily decided against the bank and ordered that the possession of the garden should be restored to the debtor. Of course, an appeal was filed but the appellate officer also arbitrarily decided in favour of the debtor. I would not mind if petty debtors like our poor agriculturists in the countryside would get benefit under this section or under this Bill, but what I object to is that many debtors who are not morally but legally eligible for getting any protection under this law would just abuse or misuse the law in collusion

with the board. I do not think I am the single person in this House to say that all boards are not acting conscientiously, and that no board can be accused of corruption. If this clause is accepted then what will happen? The mortgagee in possession would be deprived of the property he is in possession of. If the intention behind this legislation is that no mortgagee in possession of a property for more than 15 years should be allowed to continue his possession, then, I should say, the remedy is elsewhere. By amending the Bengal Tenancy Act we have provided that a usufructuary mortgage should not last for more than 15 years. This is quite sufficient relief. But why do we give the power to a board to restore the property, of which the mortgagee under lawful contract is in possession, to the debtor before the expiry of 15 years? If this clause is accepted then the mortgagee in possession will be deprived of his money though it was sufficiently secured under lawful contract. Do the members of this House want that even when by a lawful contract a lender has been put in possession of a property, he should be deprived of it and thus of his money by the order of a board——(Mr. ABU HOSSAIN SARKER: Why not? What is the difficulty?) Well, that will be an outrage upon justice. If you accept the limitation to the definition of agriculturist which was wanted to be put by Mr. Narendra Nath Das Gupta in order to restrict the concession to *bona fide* cultivators instead of widening it to *mala fide* persons who are getting relief which they ought not to get, I would not mind much.

(At this stage the member having reached the time-limit resumed his seat.)

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, I support this amendment as embodied in clause 9 of this Bill, and I congratulate Government on the courage they have shown in this direction. I have got a small amendment and I hope this amendment will be accepted by the Hon'ble Minister. The amendment is: that in clause 9(*c*), line 17, for the words "a raiyat or under-raiyat," the words "a debtor" be substituted.

Mr. SPEAKER: I take it that the purpose of your amendment is that as against the words "raiyat" and "under-raiyat" the word "debtor" should be substituted.

Mr. DHIRENDRA NATH DATTA: Yes, Sir, a debtor within the meaning of this Act; he may be a raiyat but he may mortgage his taluk land in khas possession or mokarari land in khas possession.

Mr. SPEAKER: In that case he is a raiyat and also a tenure-holder.

Mr. DHIRENDRA NATH DATTA: It is doubtful whether a mokarari raiyat is a tenure-holder?

Mr. SPEAKER: Yes; but does it not look as if this clause can not apply in the case of a tenure-holder?

Mr. DHIRENDRA NATH DATTA: Yes. If a man has both raiyati land and taluk land he may give either his taluk land or raiyati land to a mortgagee. A distinction should not be made in the case of a raiyat or a debtor who keeps his raiyati land or taluk land in mortgage and lets the mortgagee to enjoy the possession thereof. Therefore, my humble submission to the Hon'ble Minister is that he will find his way to accept this small amendment because the object of my amendment is really to give some relief to those debtors who though raiyats and tenure-holders give their taluk land in mortgage and let the taluk land to be enjoyed by the creditor.

Mr. SPEAKER: But a lawyer may very well argue that a tenure-holder cannot enjoy the possession of a taluk land as a raiyat.

Mr. DHIRENDRA NATH DATTA: But it can be interpreted in another way also. Where is the harm if the land of the debtor be introduced, it may be raiyat's or under-raiyat's, raiyat's mokarari land or taluki land, if he is a debtor within the meaning of the Act, he will come under it.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry I have to oppose all these amendments. So far as the first one moved by Mr. Surendra Nath Biswas is concerned, when we omit proviso (2) (*b*) of section 19(*1*) we do so because it does not work in practice, and when the terms are less favourable no creditor will accept it. Again, before that can be done, the offer must be fair. We do not think it necessary to retain that proviso in the section. With regard to the main clause which we seek to add to section 19, it gives full protection to the mortgagee, and even then there is no difficulty in the way of Mr. Biswas because if he refers to the clause itself he will find that such offer as is contemplated must be a fair offer. Now with regard to my friend Mr. Dutta's amendment, while thanking him very much for the few good words he has said, I do not think that his suggestion will lead us very far. We have done our best to improve the Act and I do not think there is anything further to add at present, but in the course of the working of the provisions of this Act if we find any difficulty, fresh amendments can be brought before the House.

The motion of Mr. Surendra Nath Biswas that clause 9 be omitted was then put and lost.

The motion of Mr. Dhirendra Nath Datta that in clause 9(c), line 17, for the words "a raiyat or under-raiyat" the words "a debtor" be substituted, was then put and lost.

The motion that clause 9 stand part of the Bill was then put and agreed to.

Clause 10.

Mr. SPEAKER: I want to take clauses 10, 11, 12 and 13 together.

The motion that clause 10 stand part of the Bill was then put and agreed to.

Clause 11.

The motion that clause 11 stand part of the Bill was then put and agreed to.

Clause 12.

The motion that clause 12 stand part of the Bill was then put and agreed to.

Clause 13.

The motion that clause 13 stand part of the Bill was then put and agreed to.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: May I respectfully request you to pass over clauses 14 and 15 because they have reference to sections 33 and 34 and I want to see what the House decides in respect of clause 16A.

Clause 15A deals with section 35 and in order to keep conformity with what the House has already agreed to in clause 2, viz., liabilities incurred after the 1st January, 1940, by any person going outside the operations of this Act, I submit, Sir, that it is necessary to amend this section. Sir, I should also like to move a short-notice amendment in respect of this.

Mr. SPEAKER: You will have to give notice of the short-notice amendment. We will take it up to-morrow.

Clauses 16 and 16A.

Mr. SPEAKER: Mr. Datta, I think it will be better if you move your amendments in clauses 16 and 16A together, because both of them refer to appellate provisions, and it would be convenient if you take them together and make one speech.

Mr. DHIRENDRA NATH DATTA: All right, Sir, I beg to move that clause 16(*1*) be omitted.

I beg also to move that in clause 16A, for sub-section (*3*) of proposed section 40A, the following be substituted, namely:—

"(*3*) Every such application shall be made to the District Judge who may, on receipt of the application, call for the records of the cases with an explanation which the appellate officer may desire to offer in respect of the application and shall cause a notice to be served on the opposite parties on payment of the prescribed fee."

I beg further to move that in clause 16A, sub-section (*4*) of proposed section 40A be omitted.

I beg also to move that in clause 16A, in proposed section 40A(*5*), in line 1, after the word "Judge" the words "after hearing the parties or pleaders appearing on their behalf" be inserted.

In moving these motions, Sir, I submit that section 40 of this Act deals with appeals. It has been held up till now that the judicial officer is entitled to hear appeals against an order under sub-section (*2*) of section 13, section 18, clause (*b*), sub-section (*1*) of section 19, section 21, section 22 or section 29. Here that power of hearing appeal has been taken away from an officer with judicial experience. I submit Sir, that an order under sub-section (*2*) of section 13 is an important order and if the right of hearing appeal is taken away from an officer with judicial experience it would be very inconvenient. You will find, Sir, that under this provision an officer with judicial experience will not have the right of hearing appeal.

Mr. Speaker, Sir, you will find that an officer with judicial experience will not have the right to hear an appeal from an order passed under sub-section (*2*) of section 13, section 18, clause (*b*), of sub-section (*1*) of section 19. You are aware, Sir, that an order under sub-section (*2*) of section 13 is a very important order, because it determines the amount on the basis of the fact as admitted by the debtor. So, Sir, an appeal should lie to an officer with judicial experience from an order passed under sub-section (*2*) of section 13.

Then, Sir, section 18 deals with the determination of the amount and that is the most important part of the Act. So, an officer with judicial experience should hear an appeal from an order passed under section 18 determining the amount. Then an order under clause (*b*) of sub-section (*1*) of section 19 is also most important, because it deals with the settlement of debts. It is really an award and if an order dealing with the settlement of debt is not subject to an appeal to an officer with judicial experience, I do not know which order should be subject to an appeal to an officer with judicial experience. But, Sir,

by the amendment that has been sought to be made by the Cabinet, I do not know why officers with judicial experience should not be allowed to hear any appeal under sub-section (2) of sections 13, 18 and 19. Sir, generally a senior Munsif is invested with the power of a special appellate officer. If the power is taken away from persons with judicial experience, there will be no appeal, because it deals with sections 21, 22 and 29. Sir, you are aware that section 21 deals with certificates, section 22 deals with the adjustment of insolvency and section 29 deals with the realization of the decretal amount for the purpose of certificate procedure. So, Sir, the power of appeal has practically been taken away from persons with judicial experience. I do not know why the Ministry is afraid of appeals to persons with judicial experience. They are taking away the power from persons with judicial experience and are investing them to executive officers, that is, to the Deputy Magistrates who are ordinary appellate officers. I am sure, Sir, that the executive officers will not be able to approach a matter from a judicial point of view, but they will deal with the same from the executive point of view and—I am reminded by my friend Mr. Sanyal, from a political point of view also. I challenge the Hon'ble Minister in charge to show the reasons for taking away the power from officers with judicial experience——

Mr. SPEAKER: Mr. Datta, I hope you will conclude very soon. I am anxious to finish all the clauses.

Mr. DHIRENDRA NATH DATTA: Now, Sir, I come to my amendment No. 89 which deals with section 40. In this section, Sir, revisional power is sought to be given to the District Judge. Sir, this is what is sought to be done in the case of revision. An application is made to the Board and the Board will send the records to the District Judge with an explanation. The District Judge is expected to peruse all the records and come to a decision, which I say, Sir, is impossible. You are very well aware, Sir, that there are many judges who are Englishmen. In my district Mr. Simpson is the District Judge. I am told, Sir, that he has expressed an opinion that if revision cases come up, it is impossible for him to come to a decision without the help of a lawyer. Sir, you are aware that the records are all in Bengali. The application is in Bengali, the documents are in Bengali, the petitions that have been filed are in Bengali, and the award is in Bengali. The European officers are expected to peruse all these records and to come to a decision without the help of a lawyer. This is impossible, Sir. What will happen is this. In every case there will be petition for revision. As soon as the petition for revision is filed the Board will be compelled to send the records to the District Judge and the District Judge has got to decide about 4,000 or 5,000 cases in each district; and the District Judge is expected

to peruse all these records in his chamber and to come to a decision. This, I beg to say, Sir, displays an absolutely unpractical knowledge of the working of the Act. The District Judge, Sir, will not be able to come to any decision. He will throw the records and will say they are rejected. So, what I propose is this, that in all cases, the records should not be called for; application should be made to the District Judge and the pleaders should be allowed to appear and the District Judge will hear the pleaders at the initial stage, and if he thinks that there is something to be seen in the records then he will call for the records, otherwise not, as in the case of a criminal motion, the District Judge hears the application, and if he finds that there is anything to be studied, he calls for the records, otherwise he summarily rejects the petition.

I propose, Sir, that the pleaders should be allowed to appear and to file an application, and I urge that at the initial stage the District Judge should be given the opportunity to reject the petition. He will reject many cases at the initial stage, and he will only call for records of cases where necessary. After hearing pleaders and the parties he will be able to dispose of the cases, otherwise it is impossible for him to come to a decision. It may be argued that I am a lawyer and if the lawyer is not allowed to appear in such cases somehow I am interested in the matter. As a matter of fact, it is not due to my interest as a lawyer that I move this motion, but I want the Cabinet to think of the matter, the impossibility of the District Judge to come to a decision without the help of a lawyer in cases in which there are Bengali records. There are many English Judges who do not understand Bengali and will not be able to come to a decision. So, I submit, Sir, that the amendment that is sought to be made by me relating to revision should be accepted by the Hon'ble Minister if he thinks that some material help should be given to the parties concerned.

Mr. SPEAKER: Mr. Biswas, you will please move all the amendments from No. 72.

Mr. SURENDRA NATH BISWAS: I shall move them simultaneously. All right, Sir.

Sir, I beg to move that in clause 16(*1*) for the proposed proviso, the following proviso be substituted, namely:—

"Provided that the appellate officer so appointed shall be such an officer of the Provincial Government who shall have the ordinary pecuniary jurisdiction already given to him over the amount of debt concerned in the appeal."

Sir, I also beg to move that in clause 16A, after proposed sub-section (*2*) of section 40A, the following be inserted, namely:—

"(*2a*) The Provincial Government shall have the final right to revise any order made under this Act by a Board or an appellate officer or the District Judge."

I further beg to move that in clause 16A, sub-section (*5*) of the proposed section 40A be omitted.

Mr. SPEAKER: Mr. Sanyal, will you also please formally move your amendments on this clause?

Mr. SASANKA SEKHAR SANYAL: Yes, Sir, I formally move them.

Sir, I beg to move that in clause 16A, proposed section 40A (*3*) be omitted.

I also beg to move that in clause 16A, in proposed section 40A(*4*), lines 3 and 4, the words "but shall not hear the parties or any person appearing on their behalf" be omitted.

Mr. SPEAKER: Will Mr. Shahabuddin also please move his amendment on this clause?

Mr. Khwaja SHAHABUDDIN: Before doing so, Sir, I beg to bring to your notice that there has been a printing mistake by the omission of the word "District" after the word "Additional" occurring in the first instance.

Sir, I beg to move that in clause 16A to proposed section 40A, the following proviso be added, namely:—

"Provided that the District Judge may transfer to an Additional District Judge subordinate to him any papers forwarded to him by an appellate officer under sub-section (*3*), and such Additional District Judge shall in respect of the applications so transferred exercise the same powers and perform the same duties as those respectively conferred and imposed upon the District Judge under this section."

Mr. SPEAKER: Now, Mr. Biswas, you will please speak on your amendments. I allot you about 6 minutes time.

Mr. SURENDRA NATH BISWAS: It is impossible Sir, to finish all the amendments within that time; as they are very important, but I shall try to be very brief.

Mr. SPEAKER: Nothing is impossible in this world! (Laughter.)

Mr. SURENDRA NATH BISWAS: All right, Sir, I shall be very brief.

By my amendment No. 72 I want substitution of the present proviso by the one that I have suggested. If my amendment is accepted, then it will be that the appellate officers appointed shall be such judicial officers of the Provincial Government who would have the ordinary pecuniary jurisdiction already given to them over the amount of debt concerned in the appeal. But, Sir, in Debt Settlement Board cases we find that there is no question of pecuniary jurisdiction so far as the appellate courts are concerned. Of course, Sir, let the ordinary boards or the special boards deal with debts of any amount, but the appellate court to whom the parties will go for relief by way of appeal, should be competent officers. Sir, a munsif is ordinarily appointed as a special appellate officer and no Government officer of a higher grade than the grade of munsif is so appointed. I do not think that the Hon'ble Minister in charge of this Bill will be able to contradict me in respect of this. The House knows that the ordinary pecuniary jurisdiction of a munsif never exceeds Rs. 2,000. That is to say the maximum jurisdiction of a munsif is only Rs. 2,000. Now, Sir, according to the law as it stands now, the munsif will hear appeal with regard to a debt involving several thousands of rupees much exceeding Rs. 2,000. My friend Mr. Dhirendra Nath Datta has moved an amendment. If Government accepts his amendment then I would rather withdraw mine. But as there is no possibility of Government accepting the same I shall press my amendment to the reasonable consideration of the members present in this House. As this is a matter of dispensation of justice, I hope the hon'ble members would try to be as much reasonable as possible without being partial to anybody. Summarising my points what I want to say is that the munsif, if he sits as an appellate officer, should hear appeals valued only up to Rs. 2,000 and not exceeding that; and let a Sub-Judge be the appellate officer where the debt exceeds Rs. 2,000. That is the only thing which I want by this amendment, and that is quite reasonable. But in the name of justice, an unjust procedure is being carried on without objection from any quarters. As my friend Mr. Datta has already pointed out the appellate officer hears an appeal from the order of a board under section 18, under which section the board determines the amount of principal and interest. That is, very important issues such as whether any interest has been paid, within or outside the legal limit, whether there has been an adjustment of the debt, or whether the principal has been rightly claimed etcetera are decided by the Board and appellate officers. All these are important issues and in cases where more than Rs. 2,000 is involved; such cases should in all fairness be referred to the competent civil courts for hearing by way of appeals.

Now I shall come to another amendment.

Mr. SPEAKER: Mr. Biswas, how long will you take to speak on this?

Mr. SURENDRA NATH BISWAS: Some four or five minutes, Sir.

Mr. SPEAKER: All right, I am giving you 5 minutes.

Mr. SURENDRA NATH BISWAS: Sir, what I want by this amendment, namely, No. 75, is that the provincial Government shall have the final right to revise an order made under this Act whether by a Board or an appellate officer or the District Judge.

Sir, in this connection also I beg to submit that if the amendment of my friend Mr. Datta is accepted I shall not press this amendment, but as I understand his amendment is also going to be opposed, I shall press this amendment. I have personal experience how arbitrarily not only the Debt Settlement Board but also the appellate officers have been acting; that being so, and as there is little chance of getting justice from the District Judge as my friend Mr. Datta has pointed out, by my amendment I only want that the Provincial Government do take the position of the Hon'ble High Court. I want that important cases may under law come up before the Government as civil appeals for more than Rs. 5,000 come to the Hon'ble High Court by way of second appeals, so that we the members of this House, may legitimately ask the local Government to remedy the wrong, if any, done by the appellate officers specially in cases where there is suspicion that the District Judge has not been able to do justice to the first appeals; in those cases at least there should be the right of the aggrieved party to go up to the Government for relief. Very recently, Sir, in a particular case I had to move the local Government and the Government held the same view as I did that both the Board and the appellate officer went beyond their jurisdiction to decide a case, and acted illegally; but under the present law Government are in a fix to find out whether under the present law they as the supreme head of the executive can alter the decision of the appellate officer If the Government cannot do so——

Mr. SPEAKER: What I am pointing out to you is that you have drafted your amendment not on the ground of law but on facts.

Mr. SURENDRA NATH BISWAS: Sir, recently, the Hon'ble High Court has ruled that the appellate officer is not a court. The

appellate officer is only an executive officer under the control of Government. So, I submit that if the appellate officer is an executive officer under the control of Government, let the Government also have the right to alter the decision of the appellate officer. If the appellate officer would have been regarded as a court, if pleaders would be allowed before him, and if the pleaders would be allowed to appear before the District Judge, then some justice could have been expected from these courts; but when they are not regarded as courts and they will not allow lawyers to appear before them, I submit that Government should have the final say with respect to any kind of orders under the Act, because all these orders are treated as executive orders and not as judicial orders.

Finally, I should submit that by this amendment I want to keep another door of relief open to the aggrieved person, as an aggrieved person cannot go to the Hon'ble High Court or to any civil court for relief under the present law. I should, therefore, expect that my amendment will be accepted by the House.

Mr. SASANKA SEKHAR SANYAL: In moving my amendments on the lines of Mr Datta, I beg to add a few words. Sir, Government have done an act of belated justice in trying to invest the District Judge with the final revisional power, but the grace and effectiveness of their act of justice is being taken away by another hand. You know, Sir, as an eminent lawyer, and all important lawyers know the golden saying "Benches are taught by the members of the Bar," because cases after all are the records of their opinion, and I have yet to know of a Judge who can come to any decision, who can do justice to any case without being assisted either by the parties or parties' representatives. The analogies of such matters are not out of place. The Hon'ble Minister, who is a lawyer, and who is also a very plodding and pains'aking Minister I should presume, himself cannot deal with his own files unless he gets valuable assistance of the Secretary and other men of his department, because, after all, files are merely dead writings in ink, and the judicial capacity of a Judge is never brought into application unless there is the assistance of someone to excite it. As Mr. Datta has rightly pointed out, when there are voluminous records in very bad writing in Bengali, not to speak of the European Judges, but even the Indian Judges feel nausea in going through those records and coming to a conclusion. So the utmost necessity for real justice is that the court to whom the power is being given by way of revision should be allowed every facility, so that the court can come to a right decision over the

decision of the Board and the appellate officer, with the full assistance of the parties or their representatives.

There is another aspect of the matter which appeals to me. I am not sure whether the Legislature has really any authority in the matter of restricting the *modus operandi* of the trials or the jurisdiction of the Court. It is certainly open to us to keep certain cases, or certain litigations, or certain matters out of the jurisdiction of the Court. But once we have vested those Judges and the Executive Officers with the power of going into the matter, I pause for a reply from you, Mr. Speaker, as also from the Hon'ble Minister in charge, whether we are competent to restrict the power of these Judges. If the Judges are presumed to do justice, and if in doing so, the Judges think that it is necessary to hear the parties or the parties' representatives, I do not think any authority lies in us, in spite of the pomp and glamour of Government, to restrict the authority of the Judges

With regard to the question of filing revision application before the Court—it is an important matter which escaped my notice—you know, Sir, that lawyers are banned before the board, but before the appellate officer the lawyers are not banned. Either before the appellate officer or a special officer they are found useful. My friend Mr. Datta was rather feeling delicacy because he might be accused of looking to his self-interest. We are talking not for ourselves. So far as justice demands, in any case, the lawyers are found very useful either before an appellate, ordinary or a special officer. It can be presumed that cases which come to the District Judge are more or less of a complicated nature. In most cases either an intricate question of law or of fact is required to be solved Therefore, the assistance of the lawyers becomes more necessary in order to solve the riddle which could not be solved by the appellate officer or by the Board.

There is another question regarding filing of the revision application before the Board or the appellate officer. It passes one's common sense that litigants who are fully aggrieved by a particular party will again have to run to that party. It is against the commonsense, it is against the tradition of litigation, against the principle of justice throughout the world. I know the Hon'ble Minister will object to these amendments on principle, but I will only appeal to him to look to his own papers, to lay hand on his breast and say whether he is really doing justice to anybody excepting to himself and to his department.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am afraid, I have to oppose all these amendments. With respect to the amendments moved by my friend Mr. Dhirendra Nath Datta where he seeks

to omit clause 16(*1*) whereby it is intended to give the right of appeal under sections 21, 22 and 29 only to the judicial officers and the rest are to be taken over by other appellate officers. His argument is that it is necessary to have judicial experience to dispose of appeals under sections 13 and 18. On the contrary, experience shows that knowledge of local affairs and conditions is more necessary than the knowledge of law in disposing of appeals under sections 13, 18 and 19(*2*). We have therefore thought it fit to keep those appeals where knowledge of law is necessary for officers with judicial experience, viz., where a certificate is granted under section 21 or a person has been adjudicated as an insolvent, there we feel that some judicial experience is necessary. It is from that point of view that we have sought to amend the existing section 40.

As to lawyers being allowed to appear before the District Judge, when the matter goes before him for revision, I submit respectfully that it will only mean further expenditure on the part of the poor indebted agriculturists and practically for nothing. Personally I would have been very happy if I could have acceded to his request. For you will find that when the matter is before the appellate officer, lawyers are allowed to appear, and whatever arguments they may offer they are certainly entitled to do so at that stage, and when the matter has been practically finished by the appellate officer it is then and then only that the matter can be taken up in revision before the District Judge. It is designed that application for revision will have to be filed before the appellate officer who will have to submit his explanation in connection with the grounds of revision and forward the whole record including evidence recorded by the Board, to the District Judge. Sir, I am extremely sorry that an observation could at all have been made that the District Judge would throw away the record and will not look into them. It is also said that the District Judge will not be able to deal with these applications properly. We know, and I am sure my friend Mr Datta also knows, that the District Judges and Additional District Judges have to hear appeals in complicated cases against the decisions of Subdivisional Judges amounting to the value of Rs. 5,000. Further in order to arrive at some sort of unanimity in the decisions of the Board and Appellate Officer in a district, we seek to give this power to the District Judge. The Select Committee went into the matter at very great length and introduced this clause in the Bill. I submit, therefore, Sir, that it is not necessary to allow lawyers to apear at that stage when the matter will be heard by the District Judge in revision.

As regards Mr. Biswas' amendment I do not see where the value of the case comes in. It all depends upon the officer who is entrusted to do this. Ordinarily the appellate officer, who is a Deputy

Magistrate and one who is in charge of a subdivision, will carry with him a great experience of local affairs and he can certainly be expected to bring his judicial mind to bear upon the facts of the case. When the matter is brought before him on appeal it is expected that he will make no mistake. But if it is then found that there is something wrong done somewhere the matter can be settled in revision before the District Judge. As regards the provincial Government being asked to function like a second appellate court, I may say that we have not tried the District Judges so far. My friend Mr. Biswas will have no grievance when he gets an application for revision before the District Judge. I submit, therefore, Sir, that there is no force in the point that is made by moving amendment No. 47. Sir, I submit that this disposes generally of the various amendments that have been moved. With respect to the amendment moved by Khwaja Shahabuddin I may state that it is practically consequential in view of the fact that the District Judge may be very busy with a large amount of court business, but the District Judge, if he thinks fit, may transfer it to the Additional District Judge for final disposal. In that view I accept amendment No. 91.

The motion of Mr. Dhirendra Nath Datta that clause 16(*1*) be omitted, was then put and lost

The motion of Mr Surendra Nath Biswas that in clause 16(*1*) for the proposed proviso, the following proviso be substituted, namely:—

"Provided that the appellate officer so appointed shall be such an officer of the Provincial Government who shall have the ordinary pecuniary jurisdiction already given to him over the amount of debt concerned in the appeal"

was then put and lost.

The motion that clause 16 stand part of the Bill was then put and agreed to.

The motion of Mr. Surendra Nath Biswas that in clause 16A, after proposed sub-section (2) of section 40A, the following be inserted, namely:—

"(2a) The Provincial Government shall have the final right to revise any order made under this Act by a Board or an appellate officer or the District Judge,"

was then put and lost.

The motion by Mr. Sasanka Sekhar Sanyal that in clause 16A, proposed section 40A (*3*) be omitted, was then put and lost.

The motion of Mr. Dhirendra Nath Datta that in clause 16A, for sub-section (*3*) of proposed section 40A, the following be substituted namely:—

"(*3*) Every such application shall be made to the District Judge who may on receipt of the application, call for the records of the cases with an explanation which the appellate officer may desire to offer in respect of the application and shall cause a notice to be served on the opposite parties on payment of the prescribed fee."

was then put and lost.

The motion of Mr. Dhirendra Nath Datta that in clause 16A, sub-section (*4*) of the proposed section 40A be omitted, was then put and lost.

The motion of Mr. Sasanka Sekhar Sanyal that in clause 16A, in proposed section 40A(*4*), lines 3 and 4, the words "but shall not hear the parties or any person appearing on their behalf" be omitted, was then put and lost.

The motion of Mr. Dhirendra Nath Datta that in clause 16A, sub-section (*5*) of the proposed section 40A be omitted, was then put and lost

The motion of Mr. Dhirendra Nath Datta that in clause 16A, in proposed section 40A(*5*), in line 1, after the word "Judge", the words "after hearing the parties or pleaders appearing on their behalf" be inserted, was then put and lost.

The motion of Mr. Khwaja Shahabuddin that in clause 16A to proposed section 40A, the following proviso be added, namely:—

"Provided that the District Judge may transfer to an Additional District Judge subordinate to him any papers forwarded to him by an appellate officer under sub-section (*3*), and such Additional District Judge shall in respect of the applications so transferred exercise the same powers and perform the same duties as those respectively conferred and imposed upon the District Judge under this section."

was then put and agreed to.

The motion that clause 16A as amended stand part of the Bill was then put and agreed to.

Clauses 17 to 20.

Mr. DHIRENDRA NATH DATTA: I beg to move that clause 17 be omitted.

I beg also to move that clause 18 be omitted.

Mr. RASIK LAL BISWAS: I beg to move that clause 20 be omitted.

Mr. DHIRENDRA NATH DATTA: The amendment Nos. 92-95 deals with section 9(*1*) of the Act. Section 41 of the Act authorises the appellate officer to transfer an application from one board to another board. This power is said to be taken away by the proposed amendment suggested by the Hon'ble Minister. I do not understand why this power to transfer an application from one board to another should at all be taken away. I know from my own experience that there are boards consisting of persons of the locality and I know of a board where a son of a creditor was found to be one of the members of the board, and consequently the debtor wanted to transfer his application to another board. In such cases, transfer of applications are now allowed. If, as in this case, a son of a creditor happens to be a member of a board, then the debtor cannot expect justice from it. I cannot understand why this power of transfer in such a case be taken away. I hope members of this House, irrespective of the party to which they may belong, may consider the reasonableness of my amendment and, if convinced, should support it.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Mr. Speaker, Sir, I am sorry I have again to oppose this. Section 41 certainly thinks of giving power to the appellate officer to transfer a case. But under this particular clause the appellate officer can deal with the case for transfer when it is before him. Experience shows that at times there has been some misapprehension in the use of those powers by the two classes of appellate officers. When we read section 39 we find that it deals with the powers of transfer of applications from one board to another by the Collector. We have also found that it is the Collector who exercises this power much better than an appellate officer for he knows to which board the case should be transferred. The appellate officer does not come to function before he is in seisin of the appeal. Therefore the difficulty cannot be removed unless an order of transfer is made before the case is finally disposed of by the board. Therefore, on examination of the various sections and also by the experience that we have gained we find that section 41 is absolutely redundant, and it has introduced some amount of trouble for nothing. We feel that section 39 is enough to deal with difficulties of the nature mentioned by Mr. Datta. So, there is no point in what Mr. Datta has said, and I oppose the motion.

The motion of Mr. Dhirendra Nath Datta that clause 17 be omitted was then put and lost.

The motion that clause 17 stand part of the Bill was then put and agreed to.

The motion of Mr. Dhirendra Nath Datta that clause 18 be omitted was then put and lost.

The motion that clause 18 stand part of the Bill was then put and and agreed to.

The motion that clause 19 stand part of the Bill was then put and agreed to.

The moton of Mr. Rasik Lal Biswas that clause 20 be omitted was then put and lost.

The motion that clause 20 stand part of the Bill was put and agreed to.

Adjournment.

It being 7-34 p.m.—

The House was adjourned till 4-45 p.m. on Thursday, the 30th November, 1939, in the Assembly House, Calcutta

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 30th November, 1939, at 4-45 p.m.

Present :

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 11 Hon'ble Ministers and 209 members.

STARRED QUESTIONS

(to which oral answers were given)

Platform at Goalundo station on the Eastern Bengal Railway.

*9. **Maulvi ABDUL LATIF BISWAS:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware

(*i*) that there is no platform at the Goalundo station on the Eastern Bengal Railway;

(*ii*) that no ladder is placed with 3rd class and Inter class bogies for helping the passengers to get into them; and

(*iii*) that the passengers including women are to climb up into the 3rd class and Inter class compartments?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps are proposed to be taken to remove the aforesaid grievances?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) (*i*) I am informed that there is a rail-level platform at Goalundo Ghat station. As it is generally necessary to shift the Ghat station in the course of the year owing to changes in the course of the river it is not possible for the railway administration to provide raised platforms at Goalundo.

(*ii*) and (*iii*) I am informed that the railway administration have already issued orders that step ladders should be placed at female compartments of all classes.

(*b*) Does not arise.

Mr. SISNATH BANERJEE: Mr. Speaker, Sir, may I request you to see whether the required quorum is there?

Mr. SPEAKER: I think there is.

Mr. KIRAN SANKAR ROY: Is the Hon'ble Minister aware that it is possible to raise the level of the platform higher to be on the same level as the railway compartment?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: That is not the view held by the Railway Administration.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that the zamindar of the Goalundo Ghat station platform is willing to co-operate in the matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I am not aware of that.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government have enquired as to whether the orders issued by the Railway Administration to put step-ladders before the female compartments have been complied with?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I believe the orders were passed very recently and it is not time yet to see whether the orders are being carried out.

Light in the Dacca Mail train.

***10. Maulvi ABDUL LATIF BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact—

(*i*) that no light is lighted in the Dacca Mail train of the Eastern Bengal Railway running from Goalundo to Seakhali before the arrival of the Dacca Mail Steamer between 9-30 and 10 p.m.; and

(*ii*) that the passengers coming to Goalundo by Kaliganj Mail steamer arriving at about 7 p.m. and bound for Calcutta undergo various sorts of difficulties and inconvenience for want of light in the Dacca Mail train?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps he is proposing to take in the matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) I am informed that waiting rakes are not normally ready for the occupation of passengers until about one hour before the scheduled time for the departure of the train. In the case of the Dacca Mail at Goalundo the rake is stabled by the platform, but is not fit to take in passengers until one hour before its departure. The lights are switched on at about 21-45 hours, i.e., one hour before the scheduled departure time, or on the arrival of the Dacca Mail steamer if the latter is earlier.

(*ii*) I have been told that the difficulties referred to have not been represented to the railway administration. I understand that there is a shed where passengers who arrive at Goalundo by the Kaliganj service at 19-10 hours, can wait until the rake is available for occupation.

(*b*) Does not arise.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state what is the area of the shed? How many persons can take shelter there?

The Hon'ble Maharaja SRISCHANDRA NANDY of Cossimbazar: Sir, I am afraid I cannot answer that question without notice, but I may add further that even if the accommodation of the shed be small the Railway Administration has further reported that the passengers may also wait in the steamer before the train lights are lit

Appointment of officers in connection with Jute Registration work.

*11. **Maulvi ABDUR RASCHID MAHMOOD:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing the number of—

(*i*) Chief Inspectors;

(*ii*) Inspectors;

(*iii*) Assistant Inspectors; and

(*iv*) Officers in charge of Area Sections appointed in connection with Jute Registration work?

(*b*) How many of them are Muslims?

(*c*) Has 50 per cent. of the above posts been given to the Muslims, and 15 per cent. to the Scheduled Castes? If not, why not?

(*d*) Were the posts of Chief Inspectors advertised like the posts of Inspectors and Assistant Inspectors? If not, why not?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) (*i*) 27 including 17 Settlement Kanungos and nine trained officers of the Indian Central Jute Committee.

(*ii*) 96 including 14 Settlement Kanungos and 2 trained officers of the Indian Central Jute Committee.

(*iii*) 480.

(*iv*) 24.

(*b*) (*i*) 8.

(*ii*) 45.

(*iii*) 240.

(*iv*) 12.

(*c*) Yes, as far as the new appointments are concerned, except that there is a small shortage of Scheduled Castes recruits in the posts of Inspectors and Officers in charge of Area Sections on account of the paucity of suitable Scheduled Castes candidates. In view of the complexity and urgency of the work it has been considered necessary to appoint trained and experienced officers of Settlement Department and the Jute Census Section under the Indian Central Jute Committee to important supervising and administrative posts such as those of Chief Inspectors and Inspectors as far as possible and as majority of the available officers of the description are Caste Hindus it has not been possible to observe the communal ratio in regard to appointments to such posts.

(*d*) As 26 out of the 27 posts of Chief Inspectors were filled up by available officers of the Settlement Department and the Jute Census Section, only one post was left for direct recruitment for which a well qualified candidate was readily available. It was, therefore, not necessary to advertise these posts.

Mr. PREMHARI BARMA: Will the Hon'ble Minister be pleased to state how many candidates of the Scheduled Castes there were for the posts of Inspectors and officers-in-charge of the area sections and how many of them were appointed?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice.

Mr. MONMOHAN DAS: Will the Hon'ble Minister be pleased to state whether it is a fact that the ratio of 15 per cent. as recommended for the Scheduled Castes has not been observed anywhere in Bengal in spite of suitable candidates being available everywhere?

Mr. SPEAKER: That question does not arise.

Mr. MONOMOHAN DAS: Will the Hon'ble Minister be pleased to state whether it is a fact that in Kishoreganj in the district of Mymensingh many suitable candidates applied for the post of area section officers, but their cases have been neglected by the appointing officer?

Mr. SPEAKER: I am sorry that question does not arise.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether the deficiency in the percentage of appointment, I mean in the appointment of Chief Inspector and Inspectors, wherein Muslims got 8 out of 27 and 15 out of 96 respectively—whether the shortage has been compensated by the appointment in other branches of the service as we were told yesterday?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I do not remember to have said that yesterday, but unfortunately no compensation has been made in respect of other appointments as suggested by my hon'ble friend.

Mr. ATUL KRISHNA GHOSH: Will the Hon'ble Minister please enlighten us what was the basis of his information wherefrom the Hon'ble Minister deduced the conclusion that there was paucity of Scheduled Caste candidates for the said posts?

The Hon'ble Mr. TAMIZUDDIN KHAN: That was the experience of the Recruiting Officer. I have got the report from him

Babu PREMHARI BARMA: Will the Hon'ble Minister be pleased to state whether definite instructions were given to the recruiting officers that 15 per cent. of the appointments should be given to the Scheduled Castes?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir. Definite instruction was given that the Government's decision regarding communal representation in the services should be strictly adhered to.

Babu PREMHARI BARMA: Will the Hon'ble Minister be pleased to state whether those instructions have been given effect to?

The Hon'ble Mr. TAMIZUDDIN KHAN: The answer is obvious that they have not been strictly adhered to.

Mr. ATUL KRISHNA GHOSE: My question was this. Wherefrom did the Hon'ble Minister deduce his conclusion that there was paucity of suitable Scheduled Caste candidates?

Mr. SPEAKER: He has answered that.

Mr. ATUL KRISHNA GHOSE: Now, Sir, I shall ask the next question, how many applications were received from the Scheduled Castes candidates and how many of them were appointed?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am not in possession of that information just now; I want notice

Mr. MONMOHAN DAS: Will the Hon'ble Minister be pleased to state whether it is a fact that in some districts the list of Scheduled Caste candidates included non-Scheduled Caste candidates also?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am not aware of it.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether the disparity in the appointment of Chief Inspectors has been made up by recruiting a sufficient number of Muslim Kanungos who are readily available?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am given to understand that more Muslim Kanungos were not available.

UNSTARRED QUESTION

(answer to which was laid on the table)

Appointment of an Assistant Livestock Expert.

4. Dr. NALINAKSHA SANYAL: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Veterinary Department be pleased to state whether Government propose to appoint shortly an Assistant Livestock Expert?

(*b*) If so, have applications been invited for the same?

(*c*) What are the minimum qualifications required for the post?

(*d*) Will the Hon'ble Minister be pleased to state whether the existing officers of the Agriculture or Veterinary Departments of this province have been debarred from applying for the post, while those from other provinces have not been so restricted?

(*e*) Has any Bengali Hindu or Muslim candidate with the necessary qualifications applied for the post?

(*f*) When is the post likely to be filled up and when is the final selection of the candidate going to be made?

(*g*) Is there any proposal in the Department for bringing in a European officer for the post?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) Yes.

(*b*) The post was advertised in India by the Public Service Commission and they reported that none of the candidates who applied possessed the required qualifications. I have, therefore, decided to advertise the post again both in India and the United Kingdom.

(*c*) The essential qualifications are that the candidate must possess a degree or diploma in Agriculture or an M.R.C.V.S. qualification with not less than three years' post-graduate training in Animal Husbandry including dairying and a knowledge of small stock and poultry. He must also possess considerable organising and administrative ability.

(*d*) Yes. For the reason that none of the existing officers of the Agriculture or Veterinary Departments of this province who are eligible for this appointment possess the required qualifications.

(*e*) None.

(*f*) and (*g*) As stated above, I have failed to secure a suitable Indian candidate for the post by advertisement in India. If, as a result of the simultaneous advertisement in India and the United Kingdom now proposed, a suitable Indian is available he will certainly have preference to a European and will be appointed on a substantive basis. If, however, no such Indian is available, I propose to appoint a European on contract for five years. It is hoped that in the course of five years a suitably trained Indian will be available either from among the State scholars selected for training in Great Britain, who are expected to sail as soon as war conditions permit, or otherwise so that he will replace the European on the expiry of his contract.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when the advertisement for this post was made and what were the required minimum qualifications mentioned in the advertisement?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, the advertisement was made some months ago, and I do not exactly remember the date. The minimum qualifications stipulated therein must have been those stated in this answer.

Dr. NALINAKSHA SANYAL: I want a definite answer, Sir. Is the Hon'ble Minister sure whether these were the exact qualifications prescribed before, or these are subsequent discoveries?

The Hon'ble Mr. TAMIZUDDIN KHAN: I think the former, Sir. The subsequent qualifications could not be otherwise.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I am entitled to have a definite reply, and the Hon'ble Minister must ascertain and give a definite reply. I am not satisfied with his present answer, are these minimum qualifications the same as those appeared in the advertisement or these are subsequent imaginations?

The Hon'ble Mr. TAMIZUDDIN KHAN: These could not be subsequent imaginations. My friend perhaps wants to know whether I had actually compared the terms of the advertisement with the answer that has now been given. I have not done so, but naturally these minimum qualifications were the same as are stated in the advertisement.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the present Live-Stock Expert of the Government of Bengal possesses all or any of those qualifications?

Mr. SPEAKER: That question does not arise here.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if these qualifications are in accordance with the existing minimum qualifications required for the post?

Mr. SPEAKER: Dr. Sanyal, I am not able to follow your question quite well. Will you please be more clear?

Dr. NALINAKSHA SANYAL: To be more clear I want to know if these qualifications are just the same as the minimum qualifications for the same post now held by the incumbent?

Mr. SPEAKER: You want to know whether there are different standards of qualifications for the same post?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, the qualifications were recently revised and these are the new qualifications.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware who determines these qualifications, whether it is the Public Service Commission or the Government Department?

The Hon'ble Mr. TAMIZUDDIN KHAN: Government in consultation with the Public Service Commission.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that there were several Indian candidates with the requisite qualifications mentioned in this answer, e.g.,——

Mr. SPEAKER: May I interfere at this stage Dr. Sanyal, and point out that in the interests of the candidates you should not mention the names.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state with reference to his answer (*e*) "None" if there was at least one candidate who has B.Sc. (Agriculture) which corresponds to a Diploma in Agriculture, who is a M.R.C.V.S., who is a Ph.D. in Jenetics (Edinburgh), who is a Professor of Hygiene in the Bihar Veterinary College. The knowledge of small stock and poultry and organizing and administrative ability, these are matters of opinion. I cannot say——

Mr. SPEAKER: So far as I understood you, you had been trying to know whether it was the Public Service Commission or the Government that determines these qualifications. Now I think you are going away from the point.

Dr. NALINAKSHA SANYAL: No, Sir. I got the answer to that question that it was "Government in consultation with the Public Service Commission"

The Hon'ble Mr. TAMIZUDDIN KHAN: These qualifications have been settled by the Government in consultation with the Public Service Commission.

Dr. NALINAKSHA SANYAL: With reference to answer (*e*) "None", I would like to enquire if the Government is aware that there was at least one candidate answering all these qualifications?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, the position is this. Applications are made before the Public Service Commission. The Commission do not send the list of all the candidates to Government. They only send the names of those candidates recommended by them and if they do not find anyone fit for the post or posts, they simply intimate the Government that no qualified candidate was found.

Dr. NALINAKSHA SANYAL: I want to know if in this particular case the Public Service Commission reported the case of any candidate possessing the requisite qualifications, or they did simply say that they did not find any candidate suitable.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, these are matters of detail and I want notice.

Dr. NALINAKSHA SANYAL: Is it a fact, Sir, that an attempt is going on to have a European officer for this post and that is why the matter has been held back?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know of any such attempt.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the Secretary of his Department in his note on a file has written definitely that they want a European officer for the post?

The Hon'ble Mr. TAMIZUDDIN KHAN: It cannot be so, Sir

Dr. NALINAKSHA SANYAL: Will you please enquire and then say without saying at random "It cannot be so".

Mr. SPEAKER: I think, Dr. Sanyal, the proper Parliamentary form to prove it is for you to produce the note and show it to the Hon'ble Minister (laughter).

Dr. NALINAKSHA SANYAL: If you will please give me permission, Sir, I shall certainly do it.

Mr. SPEAKER: I shall then send the note to the Hon'ble Minister

Dr. NALINAKSHA SANYAL: With regard to answer (*b*), where the Hon'ble Minister says that the officers of the Bengal Government were debarred from applying for the post whereas the officers of other Governments were not so debarred, will he please state if he is aware that there was at least one gentleman in the Bengal Government with the requisite qualifications?

The Hon'ble Mr. TAMIZUDDIN KHAN: That is not my information, Sir.

Dr. NALINAKSHA SANYAL: That is a fact.

Mr. SPEAKER: I am afraid, Dr. Sanyal, you cannot insist on this as the Hon'ble Minister has already said that this is not his information.

Dr. NALINAKSHA SANYAL: Sir, here it is stated definitely that for the reason that none of the existing officers of this Government were eligible not possessing the requisite qualifications that the advertisement was made. Now that is the definite reply. He has condemned all his officers. In view of that, without mentioning the name of the officer of the Bengal Government possessing those qualifications, I wanted the Hon'ble Minister to make a declaration whether or not there is such an officer at the present moment. Without mentioning the name I say that officer is the present Deputy Director of the Veterinary Department who was formerly the Vice-Principal of the Agricultural College.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I am not in the know of it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the qualifications of the officiating Director of the Veterinary Department who was recruited from the Central Provinces, a Muhammadan gentleman?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I frankly confess that I have not got an account of the qualifications of that gentleman with me here.

Mr. SPEAKER: Nor does the Hon'ble Minister know the qualifications of any one of us here. (Laughter.)

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is considering the desirability of giving definite preference to Indian candidates if all the qualifications mentioned in the advertisement are not fulfilled by a European candidate?

The Hon'ble Mr. TAMIZUDDIN KHAN: The position is this. I wish very much that a qualified Bengali should have been available and failing a Bengali, a qualified Indian, and it was with that definite purpose that at first I did not agree to a proposal to advertise the post simultaneously both in India and in England. I directed that the post should be advertised first of all in India only and if we failed to get a qualified Indian, then we might advertise both in India and abroad. That has been done, and if a qualified Indian is found even now, he will certainly be given preference, and if neither a qualified European nor a qualified Indian is found, then the best Indian available may be appointed.

Dr. NALINAKSHA SANYAL: With reference to the answer that is given, viz., that you did not agree to the proposal made, may we enquire who made that proposal?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not like to disclose that.

Mr. SPEAKER: The Hon'ble Minister is certainly entitled to say that he is not prepared to disclose it. I think no legislature should enter into the question of departmental matters. By all convention, departmental matters are kept out of parliamentary discussion.

Dr. NALINAKSHA SANYAL: He is an officer of the department, and in this particular case, I submit, my whole case stands on that basis

Mr. SPEAKER: After all, Dr. Sanyal, may I tell you that you are not living under a bureaucratic Government. Whatever may be the note of a departmental officer, however highly placed he may be, the Hon'ble Minister only is responsible for the department, and his conduct can only be questioned and nobody else's.

GOVERNMENT BILLS.

The Bengal Agricultural Debtors (Amendment) Bill, 1939.

[The debate on the Bengal Agricultural Debtors (Amendment) Bill was resumed.]

Mr. SPEAKER: We have finished all sections except sections 14, 15 and 15A.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, as regards 15A, I gave notice of a short-notice amendment yesterday.

Mr. SPEAKER: Yes; you may move it.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I beg to move that in sub-clause (2)(*a*) of clause 15, for the word "liability", the following words shall be substituted, namely:—

"loan other than a loan recoverable as a public demand".

I submit that this is consequential in view of what the House has already done in clause 2 where they have excluded some of the public demands from the operation of the Debt Settlement Board. Following

that, I submit that it is necessary to include the amendment in clause 15A, sub-clause 2(*a*), in respect of any loan other than a loan recoverable as a public demand.

The motion was then put and agreed to.

Mr. SPEAKER: I think we have disposed of all other amendments of clause 15A.

The motion that clause 15A as amended stand part of the Bill, was then put and agreed to.

Clause 14.

Mr. SPEAKER: We will now take up clause 14.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: In respect of clauses 14 and 15 I submit that I would move short-notice amendments. With regard to clause 14, I want just to introduce the words "District Judge or an Additional District Judge" who is the revisional authority in view of the decision which the House arrived at yesterday with regard to clause 16(*1*).

Mr. SPEAKER: Consequential

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: With your leave I would just move that amendment first.

I beg to move that for clause 14 the following be substituted, namely:—

In clause (*a*) of section 33 of the said Act after the words "before a Board" the words "or an Appellate Officer or a District Judge or an Additional District Judge" be inserted.

The reasons are apparent.

The motion was then put and agreed to.

The motion that clause 14 as amended stand part of the Bill, was then put and agreed to.

Clause 15.

Mr. DHIRENDRA NATH DATTA: Sir, it is impossible just now to apply our mind to the short-notice amendment.

Mr. SPEAKER: Suppose you get your brief at 10 o'clock and you are to appear at 10-30, what will you do then? Let us leave this out for about half an hour. What I can do is this. Now it is 5-10. The prayer interval comes after 10 minutes. If I adjourn the House till about 5-45, I think that will satisfy Mr. Datta. We will take up this amendment at 5-45.

Mr. SURENDRA NATH BISWAS: May we submit short-notice amendments on this amendment?

Mr. SPEAKER: If you do that, I shall immediately accept them.

(At this stage the House was adjourned for 30 minutes.)

(*After adjournment.*)

Mr. SPEAKER: It seems to me in view of the short-notice amendment proposed by the Hon'ble Minister which I have had an opportunity in the meantime of going through it is not fair to the House to take it up immediately. This is not the first time. I find that short-notice amendments have become the order of the day in this House. In any event, I think we should not discuss this important item at once but should give an opportunity to all sides of the House to consider its implications in detail. I shall certainly take it up later either on Tuesday or Wednesday as will suit the convenience of Government.

Mr. KHWAJA SHAHABUDDIN: I would suggest that the matter may be taken up on Tuesday.

Mr. SPEAKER: All right

The Bengal Jute Regulation Bill, 1939.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to introduce the Bengal Jute Regulation Bill, 1939.

The Secretary then read the short title of the Bill.

The Hon'ble Mr. TAMIZUDDIN KHAN: I beg also to move that the said Bill be referred to a Select Committee consisting of—

(1) Maulvi Md. Israil,
(2) Maulvi Azhar Ali,
(3) Mr. A. M. Abdul Hamid,
(4) Maulvi Abdul Hamid Shah,
(5) Mr. S. A. Salim,
(6) Mr. Birat Chandra Mandal,
(7) Mr. W. A. M. Walker,
(8) Mr. Sibnath Banerjee,
(9) Mr. Charu Chandra Roy,
(10) Mr. Shahed Ali, and
(11) the mover,

with instruction to submit their report by the 8th December, 1939, and that the quorum of the Select Committee be fixed at five.

Sir, the problem of jute has been agitating the minds of the leaders of the country for some time past, and in presenting this Bill, I need not dilate upon the importance of the crop to the economic life of the province. The slump in the jute market, threatening the whole economic structure of Bengal with ruin, throw into bold relief the important part jute plays in the shaping of our economic destiny. Its monopoly character and high commercial value have secured for it a pre-eminent position in the contexture of our national resources. Unfortunately, Sir, despair had loomed large before the grower in recent years and cart loads of raw jute passing out of his hovel failed to leave back any ray of cheer and hope at his door. As is perhaps known to the members of this House, maladjustment between supply and demand, the lack of any organized effort on the part of the cultivators to put up a bold stand against adverse circumstances, and various other factors connected with trade in jute, over which the grower has little or no control, combined to put the economic value of jute at a discount and brought about the catastrophic fall in prices in 1930, which persisted during succeeding years. Various remedies have been suggested from time to time from various quarters to bring about an improvement in this deplorable state of things; but I may perhaps say without fear of contradiction that all are agreed in the view that the first thing necessary to restore jute to a profitable level and to achieve stability of the market is to bring the scale of supply of raw jute into harmony with the world's demand. Ever since the onset of the period of slump, the Government of Bengal have been making serious attempts to bring about this adjustment and thereby to secure to the grower a fair and steady price for jute. The Bengal Jute Enquiry Committee appointed by them to investigate the problem of jute submitted their report in 1933. The Committee found that the supply of raw jute was such that it could not adjust itself to demand at a price calculated to bring normal profit to the raiyat. As a remedial measure, the Committee discarded the suggestion of compulsory restriction, as they hoped that the cultivator as a body was definitely open to reason and logic of events and that a scheme of voluntary restriction would be sufficient to achieve the adjustment of supply to demand. In accordance with the recommendation of the Committee, a comprehensive campaign for the voluntary restriction of jute was launched by Government in 1934 and various methods of propaganda were adopted to advise the cultivator regarding the amount of jute to be sown and generally regarding matters that were thought to be of economic benefit to the raiyat.

The experience of the last five years with the scheme of voluntary restriction has, however, unfortunately belied the hopes entertained by the Committee in regard to the scheme of voluntary restriction. Despite

the best efforts of all concerned in the organisation of the campaign, the desired result could not be achieved to the fullest extent, chiefly due to a lack of concerted effort on the part of the growers to reduce the cultivation of jute according to the advice of the Government. On the other hand, many were actuated by the suicidal policy of stealing a march over their neighbours and thus injured the common object. Notwithstanding this fact, however, it cannot be denied that this prolonged and consistent campaign had an immense educative value. Because of it the peasantry are far more familiar to-day than before with the principles of supply and demand, the movement of jute through various stages from the field to the ports, the possibilities and economic value of substitute crops and various other matters pertaining to agriculture. The dissemination of all this knowledge among the masses has been in itself no small achievement and has amply repaid the cost and labour involved in this campaign.

Since the assumption of office by the present Ministry the question has been engaging their most serious attention. They felt that the problem of jute needed further investigation in order to enable them to chalk out a line of action calculated to provide a speedy relief to the raiyat. They therefore appointed a Committee last year to go into the matter in all its aspects.

Meanwhile, the price of jute was being unjustifiably depressed chiefly, I believe, through the manipulations of speculators and other interested people. With a view to arrest this downward tendency an Ordinance was promulgated ensuring that the price of baled jute did not fall below Rs. 36 in the market of the East India Jute Association commonly known as the "Fatka market" or in other similar markets which deal in raw jute futures.

The immediate necessity of regulating supply in accordance with demand was at the same time weighing with the Ministry. They gave the fullest consideration to all aspects of the scheme of voluntary restriction and came to the conclusion that the time had come for a parting of ways. They were convinced of the necessity to provide for legislative measures to regulate the growing of jute and, as a prerequisite to the regulation to have an accurate record of land under jute in any year prepared. As it was necessary to fix up the plan of action in good time before the next sowing season, it was not possible to wait further for the recommendations of the Committee of Enquiry appointed last year, and we decided to arrange for the preparation of the records of lands on which jute was grown in 1939 with a view to introducing a scheme of compulsory regulation in 1940.

At this stage, Sir, the war clouds that were hanging over Europe for some time, burst and changed the whole aspect of things. Calculations based on normal years are liable to be upset in such abnormal

times, expectations made to-day are liable to be belied to-morrow. Faced with this uncertainty we have to reconsider the whole position. Public opinion on this question also seems to have undergone some change in the course of the last few months. Before the outbreak of the war opinion was overwhelmingly in favour of restriction of the next year's crop. But in the wake of the outbreak of the war and the rise in prices many who were ere long in favour of restriction have begun to entertain doubt about the wisdom of enforcing restriction in the coming year. There is, however, a third view that although restriction may not be advisable in the present circumstances it will be most unwise to allow things to take their own course. Left to themselves, tempted by the prevailing high prices the cultivators will in all likelihood produce a much larger crop in the coming year. Before the new crop is brought to the market or soon after, the demand for jute may be substantially reduced either on account of possible cessation of hostilities or the interplay of other economic factors. In circumstances like this over-production co-existing with substantial reduction in demand may again cause a catastrophic slump in the jute market, the result of which will be disastrous to Bengal. It will take a long time to recover from that unenviable position. This third view therefore favours at least the regulation though not necessarily restriction of the crop in the coming year. According to this view production may even be increased if the anticipated demand justifies such a course, but it must be a regulated increase and not an indiscriminate one. In view of these considerations we have decided to wait and study the trend of circumstances before taking any definite step towards the regulation of the crop of that year. In any case, however, the value of an accurate record of jute lands in any year remains unaffected, as such a record will provide a reliable index with reference to which the growing of jute in future years can be increased or restricted as circumstances demand. The Bengal Jute Regulation Ordinance, 1939, was accordingly promulgated and elaborate arrangements have been made for the preparation of as accurate a record as possible of the lands on which jute was cultivated in the year 1939. The matter was one of extreme urgency as the whole complicated operation has to be completed before the commencement of the next sowing of jute. At the same time, it is thought advisable to be forearmed with statutory powers to regulate the cultivation of jute in order that there may be no loss of time in applying them when a final decision is eventually arrived at as to whether the 1940 crop has to be increased or restricted according to the demand.

I may be permitted to mention in this connection, Sir, that though Government have made their decision in favour of compulsory regulation, the educative features of the campaign for voluntary scheme will not be discarded. The cultivators will as hitherto be furnished

with information regarding current prices, trend of the market, simple laws of economics as affecting the jute business, etc. As announced in the communiqué issued in August last, they will also be encouraged to take to the cultivation of substitute and economic crops as a means to augment their income and thereby to increase their capacity to hold their jute till a favourable market is available.

This, Sir, are briefly the circumstances leading to the preparation of the Bengal Jute Regulation Bill. The demand for compulsory powers in this respect that has been made from time to time by a section of the public or their representatives in this House has also urged us in taking the present measure. The first part of the Bill relates to the preparation of an accurate record of jute lands and follows the lines of the main provisions of the Bengal Jute Regulation Ordinance, 1939. The second part relates to the Regulation of the growing of jute in future years. The provisions in this part will enable Government to adjust the supply of raw jute to the demand of the world by declaring before the sowing season of any year that the area upon which the next crop may be sown shall be regulated and the extent of such regulation. This declaration will be based on due consideration of stocks at the end of the season and a forecast of the demand. Thereupon on the basis of the prepared record allotment will be made to individual growers, through the agency of local Committees, of specific areas on which the cultivation of jute in the season immediately following will be permitted under licence. It is hoped that this will reduce the maladjustment between supply and demand to the minimum and the cultivator will be assured of a fair and stable market.

With these words, Sir, I commend my motion for the acceptance of the House.

Mr. RASIK LAL BISWAS: Sir, আমি একটা কথা জিজ্ঞাসা কোরছি মন্ত্রী মহাশয়কে—গভর্ণমেণ্ট থেকে যে Jute Enquiry Committee কোরেছিলেন সে কমিটি কোন রিপোর্ট দিয়াছেন কি না? এবং দিয়ে থাকলে সে রিপোর্ট গভর্ণমেণ্ট consider কোরে publish কোরেছেন কি না?

Mr. SPEAKER: The Hon'ble Minister will give his reply later.

Maulvi ABU HOSSAIN SARKAR: Mr. Speaker, Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st April, 1940.

Sir, I move this amendment because I consider the Bill as conceived at present totally unnecessary and distinctly harmful to the country considering the present condition of the market for jute. Though the

word "Regulation" appears on the Bill, the Bill as it is drafted will rather help to restrict the cultivation of jute and put impediments to the cultivator in various ways. For example, the agriculturists will have to take licence from the authorities appointed by the Collector, at the same time he will have to pay taxes. Licence fee practically is an indirect taxation on the poor agriculturists of the country. On the other hand, Sir, as the matter stands at present there is no necessity of a Bill of this nature. The war has changed the condition of the world. The importance of jute has grown very much. Sandbags that are being manufactured from jute are now the only means of protecting the belligerent countries from air attack. As we see, the plan of war as expressed by the belligerent countries is to conduct it at least for five years and nobody knows whether some other neutral countries will be implicated in it or not. England is ordering consignment after consignment of gunny bags and the jute mills are now raising the hours of work day by day to meet the growing demand. If this condition lasts for some time, and as I submitted some other neutral countries may be implicated in the war, there will be a great demand for jute, and I am afraid, Bengal will not be able to supply the jute or the gunny bags that will be required. As I submitted before sand-bags are the only protective measures against air attack and it is practically taken as a defensive weapon.

Besides this, Sir, even in normal conditions there is no ground for going to simple restriction of jute. The Indian Central Jute Committee Report published this year says that during the last three years there was practically shortage of jute in the world market. In 1936-37, the report says, there were only 109 lakhs of bales of jute produced in India whereas in that year the consumption was 123 lakhs of bales. In 1937-38, 100 lakhs of bales of jute were produced and the consumption was 107 lakhs of bales. In 1938-39 only 95 lakhs of bales of jute have been produced, and everybody knows that the demand has grown due to the outbreak of the war, and nobody knows where it will end and what amount of jute will be required due to war conditions.

Another thing is urged before us sometimes that the Indian jute mills generally get vast reserves of jute in their factories. But unfortunately, for them, the same Indian Central Jute Committee Report, says that during the last three years, they practically consumed more jute than they bought. For example, in the year 1935-36 they bought 47·7 lakhs of bales of jute, but they consumed 58·9 lakhs of bales. Next year, 1936-37 they bought 63·5 lakhs of bales of jute, while they consumed 70·6 lakhs of bales, and in the next year 1937-38 they purchased only 66 lakhs of bales while they manufactured 75·4 lakhs of bales. The net result is that during the last three years there was practically no reserve in the factories of the

jute mill owners. Now, if in normal conditions restriction is not necessary, then in war conditions, as I submitted, it will be absolutely harmful to the cause of the country. Again, as I submitted, during the last three years jute mills manufactured more jute goods than they bought raw jute, and this year they have increased their activities. The bulletin of the Central Jute Committee for the month of November says "that one-third of the working hours of the jute mills associated with the Indian Jute Mills Association is now estimated to be given over entirely to the fulfilment of the contracts for sand-bags placed by the British Government very recently." In September the acceptance of Government sand-bag orders necessitated mills extending the working hours, first from 40 hours to 45 hours per week and later to 54 hours per week, with all looms working full hours. The latest order placed with the Indian Jute Mills Association was on the 28th October for five hundred millions of bags when very limited loom space was available. This necessitated a further increase of working hours to 60 hours per week of which it is estimated that 20 hours are now entirely devoted to the British Government order. The activities of the Jute mills and the demand of jute are, I submit, things which practically make this kind of legislation now totally unnecessary.

Finally, Sir, the report of the Jute Committee appointed by Government recently is not yet published, and what its opinion is we do not know. Without knowing the result of that jute enquiry it will be very difficult to estimate whether restriction will be necessary at all or not. No doubt our Party and the whole Opposition were trying for fixing a minimum price of jute, and restriction as a necessary corollary to it. But here the Bill as drafted only aims at restricting or regulating the cultivation of jute without at the same time fixing a minimum price for it. Not even a single syllable is to be found or indication given that in the near future Government will try to fix the minimum price. No doubt they have passed some ordinances fixing jute futures at Rs. 36 per bale, but that is quite out of the mark now. As world conditions stand, I think jute futures will never reach such a bottom price as Rs. 36. In that ordinance also nothing has been said about loose jute with which the cultivators are directly concerned. It is our wide experience, Sir, that after the war when the country will settle down there will be trade boom. After the last war the price of jute shot up to Rs. 30 per maund and if this war is prolonged that kind of thing will repeat itself and if restriction on the cultivation of jute is made, I submit, Bengal will not be able to supply jute which will be required at that time. After the war there will be attempts by the jute mill owners to lower the price of jute in order to ensure their better profit. So the thing necessary now is to fix the minimum price of jute so that after the war or even during the war the jute mill owners who have become practically now the monopoly buyers cannot suppress the price

of jute. Very recently it has been reported in papers that these jute mill owners, these four white gentlemen on my left entered into an ungentlemanly agreement of not buying jute above a particular price. That has been given up only day before yesterday and as soon as they gave up that agreement the price of jute shot up to Rs. 108 per bale, that is of course regarding jute futures. The report says: "There was a sudden rise in the price of jute and hessians in the Calcutta market to-day the former having increased by about Rs. 12 per bale and the latter by about Rs. 1-8 per 100 yards. This, it is stated, is the result of the Jute Mills Association having revoked to-day the general agreement (which I term as an ungentlemanly agreement, entered into by gentlemen), which was arrived at among its members about a week ago not to make further purchases of jute from the Calcutta market for the present." Now I submit, Sir, if you only regulate jute cultivation, and if you only depend on the law of supply and demand you betray all knowledge of present day trade conditions. When monopoly buyers or monopoly manufacturers exist, the law of supply and demand does not apply in conditioning the price of any commodity. On account of the parachute and magnetic bomb other countries practically have stopped exporting jute. The only monopoly buyers at present in India are the Indian jute mill owners. They manufacture sand bags and export them on convoy system. If these gentlemen take into their brains to enter into any agreement they will be able as they did, last week to suppress the price of jute, setting at naught the so-called law of supply and demand. Unless and until the present Ministry can convince me that they have got sufficient control over the white gentlemen there on my left (The Hon'ble Mr. TAMIZUDDIN KHAN: They are nearer to you.) from entering into an ungentlemanly agreement in order to suppress the price of jute, I submit he has no case to regulate jute in the unsettled conditions of the market.

So I submit that this Bill is quite untimely and unnecessary. It is ill-conceived and it is ill-advised, and at the same it will be quite harmful to the cause of the country and to the agriculturists, the growers of jute. So this Bill should not be taken into consideration at present. It can be circulated for public opinion for the time being. Let us watch the condition of the market and the condition of the war. If anything occurs subsequently, then we may take to legislation of this nature. And finally I submit, Sir, that we wanted bread and we are given stone. We wanted to raise the price of jute by fixing the minimum value, but unfortunately the Government now without doing that is indirectly taxing the poor agriculturists. There shall be committees the members for which will be nominated solely by the District Magistrate who will be another Tzar in modern times and to that committee the agriculturists will have to apply by paying

the prescribed fee and I fear, some *salami* too. And the agriculturists in that way instead of getting their legitimate prices will have to pay tax in the alternative. That is the sum-total of the gain which the agriculturists may get from this kind of legislation. Therefore with these remarks, Sir, I commend my motion to the House for its kind acceptance. (Applause from the Opposition Benches.)

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March, 1940. I would have most gladly supported the motion of Mr. Abu Hossain Sarkar but I would like to have a date other than the first April, 1940, for obvious reasons, and therefore I move my motion and I suggest the 31st March, 1940. If my esteemed friend Maulvi Abu Hossain Sarkar accepts this date, probably it would be convenient for the House to vote on one motion only. But for the change in this date both the motions are absolutely similar.

I propose this circulation on grounds not exactly the same as those put forward by my esteemed friend, because I and the Party to which I belong do believe in Government's taking a bold policy in the interest of the tenants of the country. We welcome the departure of the present Ministry in regard to such matters especially when we notice that the interests that are usually found to control and guide the Cabinet are not in a position to influence their decision in bringing forward a legislation of this character. It may be noted that we have been all along insisting upon some legislative measures to regulate the production of jute and we have been always criticising the Government's former policy of voluntary restriction, because we had felt that without proper legislative action the desired result would never be obtained. But, Sir, at the same time, when a measure of this importance is ushered before the House, it is only fit and proper that we should devote ample consideration to all the problems that are likely to arise and we should try to guard against every possible pit-fall in pushing such a piece of law for the land. I submit that enough attention has not been bestowed on the various problems connected with the regulation of jute and the fixation of a minimum price of raw jute for the growers and therefore I am constrained to move my motion.

The primary object of introducing this Bill has been mentioned to be to secure to the grower a fair and steady price for his produce. With this object we are in entire agreement. But, Sir, studying the Bill in its present form I fail to be convinced of the possibility of securing this primary object through the proposed measure. The difficulties that have occurred to me are as much on theoretical and scientific grounds as on grounds of practical possibility and administrative convenience.

In order to raise the price or rather to secure a fair price for the grower, it is proposed, first, to have an enumeration of all jute land in the province. Secondly, to prohibit the growing of jute except through a licence. Thirdly, it is suggested that Government should take power to fix a quota for a particular year's production on the basis of an estimated world demand and certain penalties have been proposed to be imposed for failure on the part of the cultivators to accede to Government's directions. I feel that in all these different proposals there ought to be very much more study and a very much intensive thought given and we should not push a legislation of this character before all the possible dangers have been examined and provided for.

Examining each of these proposals one by one I would like to draw your attention to some of the pit-falls that have just occurred to me and I am sure many more of such pit-falls will be discovered when some greater degree of attention is bestowed upon the provisions.

With regard to the first proposal for an enumeration of jute land, I feel that the manner in which this enumeration or recording is proposed to be conducted by a large number of ill-paid, temporary, ad hoc enumerators spread all over the Province having been brought from different regions and sent to parts not known to those respective enumerators themselves is not satisfactory. The system that has now been under experiment bristles with great difficulties. I fear that there will be always a tendency on the part of the rural people, because after all human intentions are the same everywhere in the rural areas as much as in the towns, for over-statement and it would be practically impossible for these ill-paid young enumerators to judge for themselves correctly how far there has been an attempt at over-statement. If the help of local union board members or other such officers is sought, there is no knowing whether such advice would not be given in the interest or self-interest of particular individuals, parties or groups. It is also unfortunate that in some parts attempts may be made to have recourse to questionable means for having records made which are not quite consistent with facts. Even if the enumeration is capable of being properly made, the enumeration will have to be changed every year and from time to time, because the areas of plots that would be under examination would themselves probably change and the plots of land under cultivation of jute also would certainly change from time to time.

In the second place, if we pass on to the question of issue of licence, I for myself fail to understand how it would be administratively possible for District Magistrates or for officers under the District Magistrates of sufficient responsibility to have licenses issued to enumerable number of our peasantry consistent with justice and fair-play within a short period of about 2 to 3 months. This duty would therefore most certainly be laid as has been proposed in the Bill in the

hands of union committees and how those union committees will be constituted and to what extent those union committees will remain above influence and corruption are yet to be seen.

Thirdly, when the question of estimating world demand comes, and fixing of quota on the basis of such world demand, as has been proposed in the Bill, has to be considered by Government, I do not yet know with what magic knowledge the Government of Bengal will be in a position to judge world demand in the month of January for the probable consumption of the world from July and August of the next year

Maulvi ABU HOSSAIN SARKAR: They will go to Bhatpara to find out.

Dr. NALINAKSHA SANYAL: They will have to take the help of astrologers as my esteemed friend to the left suggests; because if it was possible otherwise surely the machinery of businessmen would not leave that possibility unexplored. So I feel that all that the Government would be in a position to do would be to have their own ideas about what should be done for the following year and those ideas of their own must necessarily be guided by political considerations. We under the present constitution are fully aware of the limitations of democracy in the matter of estimating things which require expert knowledge, and surely the Government would not take upon themselves such a serious responsibility which may upset the whole economic life of the province. Sir, each of these proposals thus appears to be bristling with insuperable difficulties. Apart from these difficulties there are also difficulties in the first place due to the fact that intensive cultivation has not been properly attended to or the influence of intensive cultivation has not been duly examined. If, for example, the Government propose to bring down cultivation in acreage by 20 per cent. there is no knowing that through better manuring, better seeds, more intensive attention to agriculture and better irrigation arrangements, crops would not be obtained very much more than the 20 per cent. sought to be restricted. There is also the danger of seasonal fluctuations upsetting all calculation. We in Bengal are fully aware how from year to year the crop on the same plot varies sometimes from between 3 to 4 maunds per bigha to about 7 to 8 maunds, if not more, per bigha. Where is that capable astrologer who can calculate in advance what would be the seasonal conditions in March, April and May when the Government will have their restriction scheme prepared in January or February? I fail to understand how this difficulty can be overcome. There are also difficulties due to the fact that in order to obtain better yield of the crop provision must be made for rotation of crops. If you allow licence on the basis of a particular plot this year and confine that

licence to that particular plot from year to year, undoubtedly the quality of yield of that land will go down. If you allow licence on the basis of individual persons, and allow them to change their land from year to year the gentlemen or the agriculturists concerned may sell out their land and yet possess a licence the privilege of which they may transfer to some other persons as is done usually under the restriction scheme for tea. The tea quota is often sold out as you may be aware. These are obvious practical difficulties that have got to be accounted for before a legislation of this serious character is pursued. There may be difficulties also due to the accumulation of unknown reserves in hand. Moreover a very serious difficulty is likely to result if other provinces than Bengal, namely, Assam, Bihar and Orissa in particular, which also grow jute, do not come under the same restriction scheme as we seek to propose. What would then be the result? The result would be that while we in Bengal would have restriction we will have at the cost of the agriculturists of Bengal advantage given to the agriculturists of the neighbouring provinces. Therefore, it is very necessary that the other provinces should be roped in before this legislation is actually put on the anvil. It is, of course, not the intention of either myself or those of my way of thinking, that Government should give up the proposed restriction scheme for these difficulties, but all that I want to submit is that some of these, if not all of these, which are capable of being handled properly and managed for should first be so arranged so that these difficulties may not stand in the way of actually effecting the restriction desired.

Mr. SPEAKER: How long will you take, Dr. Sanyal? Since you have been speaking I have got a list of seven members of your group who want to speak.

Dr. NALINAKSHA SANYAL: Sir, I shall try to finish in another six minutes.

There is also another important topic of the question which has got to be considered in this Bill. A proposal is made to arm Government with the power to fix the quota for a particular year. We are all aware how Governments are liable to be influenced in a matter of this character. Even as it is now, with a little power under the Ordinance that the present Government possesses, we have practical demonstrations of how the market is definitely raised and how the market goes down with the slightest flutter from the Ministerial camp about their probable interference in the Futka Market, and prices have fluctuated from between Rs. 36 and Rs. 108. Of course, the whole of this may not be due to the interference of Government, but surely a very large part of the fluctuations do take place with inspirations obtained from

ministerial quarters. If Government retain such a power and no expert body is entrusted with expert investigation into the problems connected therewith, I am sure the power will be abused and the effect on the market will be not to steady the market, but to make the market more unsteady than what it has been ever before. For the laws of Economics would bring down the fluctuation very much more effectively than what a Government ukase would do at a particular moment under the present circumstances in the present constitution of our Cabinet. I would submit that the least that Government can do is to wait till the jute report is published and that report is properly studied and investigated into, and till Government formulate their recommendations on the basis of that report. I submit that without a comprehensive study of the whole situation a piece-meal legislation should not be attempted. Government should try to tackle all the problems connected with the jute prices simultaneously. These problems have been stated to be problems connected with the improvement of the prices of jute, regulation of production of raw jute according to changes in the demand and various other factors of production and removal of imperfections. In each of these fields considerable scope remains for Governmental action. It cannot be denied that the price of jute must be dependent upon the price of the manufactured articles of jute. After all, the demand of jute is all derived from the demand for the manufactured articles from jute. Therefore, it should not be impossible for Government to see that the price of manufactured articles which practically will be obtained from a monopoly of this province may be so fixed and determined as may enable the jute growers to get a steady and fair price for all times to come. In the course of some previous occasion I gave an indication of an alternative policy. That alternative policy would be based not on the attempt at regulation of jute growing only but the principal basis of that would be to control the jute mills in particular, as has been done in fact in the cases of sugar. The millowners must have to be first controlled and the system of licensing the mills must first be contemplated before, or, probably at the same time that the growing of jute by the agriculturists is sought to be controlled, because unless you control them and you try to have some kind of influence over jute mills themselves who are practically the monopolistic purchasers of raw jute, it would be absolutely impossible for you to provide fair prices. All sorts of means gentlemanly and ungentlemanly might be resorted to and all attempts at steadying the price and improving the price might be set at naught. There are at the present moment only two groups of purchasers in the province—one group is, of course, the Indian jute mill owners and the other group is the exporters of jute. For each of these groups Government can, if they so like, have a licensing system—

(Here the member reached his time-limit and was allowed two minutes to finish his speech.)

Therefore, I submit that, if Government really wanted to have effective interference with the jute industry in the interest of the growers and if they want to have a bold policy, let them start on all fronts at the same time, let them start with the control of jute mills, let them also control the jute production in the villages, let them have control over the marketing of jute, over the financing of jute and over warehousing and regulating the markets. Let them also have economic jute stores for storing surplus jute that will be grown in a particular year. Without such arrangements it would be impossible to have any improvement in the price of jute by mere restriction in the cropped area. As I have shown, it would probably be unwise to force such a piece of legislation in a hurry in this manner. I therefore submit that the Hon'ble Minister in charge will take a little more time, so that he may come prepared with a comprehensive scheme for tackling the problem from all sides. Nothing will be lost in waiting for another three or four months. Because in this particular year, as you are all aware, there would be no problem of jute restriction. On the other hand, there may be rather a problem of finding out how best we can take ample advantage of the market conditions created by the war. I submit, Sir, that let us wait for another three months and Heavens won't fall. As it is now conceived the Bill is more likely to be a Bill for compulsory jute production rather than compulsory jute restriction, because the cultivators will always have this in view that unless they produce sufficient quantity of jute in a particular area, in a year the next year they may not get facilities for producing jute in that area. Thus there will be compulsory production of jute even if the price is low instead of securing control of jute production. That is a very unfortunate situation and I would like the Hon'ble Minister to examine all these points before he comes forward with a Bill of this character. Let him give us a comprehensive scheme covering all aspects of the question at the same time.

Mr. SURENDRA NATH BISWAS: Sir, I also support the motion for circulation of the Bill, but my reasons are other than those advanced by its mover. Sir, I want circulation not as it is done ordinarily to District Boards, Municipalities, or public bodies or important public men, but I want this Bill to be circulated to the jute-growers themselves in whose interests Government propose to make this law. May I ask the Hon'ble Minister whether he has by this time cared to know the opinion of the jute-growers, whether he is satisfied that the jute-growers will be contented with this piece of legislation, I mean mere regulation for production of jute? Has he ever seriously thought of the jute problem? Sir, I am afraid neither the Hon'ble Minister in charge of Agriculture nor any other member of the Cabinet ever cared to consider the jute problem. Had it been so, the most important feature of the problem would have come to their sight before anything

else. What is that most important feature of the problem? Sir, that is the want of holding power of jute-growers. It is not the over-production of jute but the want of holding power of the jute-growers which harms them most. Sir, last year in 1938 the floods restricted the production of jute by reducing it to 66 per cent. of the normal production and also to 66 per cent. of the normal demand; but may I ask the Hon'ble Minister what was the price which the growers obtained last year? The members of this House know that almost 95 per cent. of the jute passes out of the hands of the jute-growers during the months of August, September and October, and invariably every year the price of raw jute is kept depressed during these three months. It is because of the want of their holding power that the poor jute-growers are forced to sell the jute during these three months at a price dictated by the purchasers. So this is the problem of all problems. If you tackle the problem of jute, you must first tackle the problem of the want of holding power of the jute-growers. Sir, I say, as far as I know the mind of the Hon'ble Minister in charge of Agriculture, that he was also of the opinion that there should be simultaneous provisions for regulation of production, financial arrangements to increase the holding power of the jute-growers, and fixation of minimum price; these three things should be taken in hand simultaneously, so that better price might be ensured to the jute-growers. That was his opinion while he was not a Minister. Now I find, Sir, that he has changed that opinion. Then, Sir, I find that behind this Bill there is the hand of the Indian Jute Mills Association. (Cries of "hear, hear" from the Coalition Benches.) Please hear me and then you will realize why I have said so. Government being pressed by the members of the Coalition Party whom they are afraid of, had been thinking of bringing in some measure in order to increase the price of jute. Government knew that mere regulation of production would not do, that some other measures were to be adopted, minimum prices were to be fixed, and simultaneous establishment of regulated markets with warehouses all over the jute-growing areas, with financial arrangement to advance money to the jute-growers against jute stored in those warehouses were necessary. Government knew that; but when they consulted the opinion of the European members representing the Indian Jute Mills Association, they were found to be in favour of regulation of production only and not of anything else. That is the reason why this isolated measure has been brought by Government to-night. Sir, I am a member of the Jute Enquiry Committee, and I can tell the House that our report has been finished and signed, but unfortunately it has not been printed and published yet. It could have been published even a week earlier. In that report we have recommended simultaneous provisions for regulation of production of jute, for establishment of regulated markets with warehouses all over jute-growing areas in the province, for fixation of minimum

price an financial arrangements as I have said before. These are our recommendations. But Government brings in this piece-meal legislation only to keep it consistent with the greatest common measure of agreement with the European group. The members representing the Indian Jute Mills Association in our Jute Committee agreed with us up to the stage of regulation of production and opposed tooth and nail the other provisions. The European Group are in favour of the provision for regulation of production only (cries of "shame, shame" from the Congress Benches), and that is the reason why this piece-meal legislation has come before us.

Now, Sir, the Hon'ble Minister has told us that there will be regulation of production of jute in the next year and not this year. I ask the members of the Coalition Party, do the jute-growers want mere regulation of production without the fixation of the minimum price, without establishment of regulated markets with warehouses and sufficient arrangements for advancing money against jute that they may store in the warehouses, so that they may get advances instead of selling their jute at a low price in the months of August, September and October? Sir, wherever we have gone during our tour the jute-growers wanted us not merely to regulate the production, but they also wanted the fixation of minimum price and an organisation by which they could be advanced money against jute which they might be enabled to store in the warehouse of that organisation instead of selling it outright, so that at the proper time the stored jute might be sold at a better price, and the balance of the price after deduction of costs might be given to the jute-growers by that organization. I should repeat, and I trust it bears repetition, that the jute-growers want a provision so that their holding power may be increased and they may be ensured of a better price for jute. Regulation of cultivaiton alone will not satisfy them; and I believe that if Government pass this legislation alone and do nothing else the jute-growers will go against them. If, however, Government want to bring this legislation in the interests of the jute-growers, they should first circulate this Bill to the jute-growers and tell them that Government want to pass this measure alone and not to do anything else. If Government say that, I am sure that no jute-grower will agree to this Bill being passed. So, Sir, I submit that before referring this Bill to a Select Committee, as Government have proposed, this Bill should be referred to the public including the jute-growers. Let a copy of this Bill be translated and printed in Bengali and circulated in all villages as other Government leaflets are being distributed, and let us wait for three or four months. Let us see what the jute-growers themselves say about this Bill. As the Hon'ble Minister has just now told us that regulation is not going to take place this year, why is the hurry for referring the Bill to the Select Committee. Why do they not circulate the Bill to the jute-growers and have their opinion? I am sure if Government will

circulate the Bill to the jute-growers, they will at once discard it. They will not accept it. They want bread and Government are giving them stone. I shall not say anything more than that to-day, because I am one of the members of the Jute Enquiry Committee. After the Committee report is published I shall take a chance to speak more on this subject.

Mr. SPEAKER: I hope you will finish in about six minutes' time, Mr. Dutta.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, I welcome the measure in the sense that Government has acceded to our request. If the restriction is to be made, it cannot be done voluntarily, it should be done compulsorily, but our request is not the restriction alone but the fixation of minimum price also. One cannot be divorced from the other If you want to restrict the jute you should also at the same time fix a minimum price. That is our demand We are all agreed that the jute-growers should get a fair price besides the foreign exploiters here.

Mr. SPEAKER: None in this House. (Laughter.)

Mr. DHIRENDRA NATH DATTA: Whether we belong to the Congress Group, whether we belong to the Muslim League, or belong to the other political parties, whether we are zamindars, middle class, pleaders or the jute-growers, our interest in this matter is identical. Because if the jute-growers get a fair price, it will not only be to the interests of the jute-growers themselves, but it will be also to the interests of the other middle class people, tenure-holders, the zamindars, pleaders and everybody. It is a well-known fact that the jute-growers are the real producers of wealth and we are the consumers. It is clear from the speeches of the Hon'ble Minister and my other friends that it is a matter which requires careful consideration. We are likely to make mistakes and on account of these mistakes disaster may come. So instead of hurrying, may I suggest that we sit together and find out whether the Bill should be hurried through or it should be further considered. I want to draw the attention of the Hon'ble Minister to the fact that in the preparation of the records there is an initial mistake. It is an admitted fact that there are localities where the lands are capable of yielding jute only, and there are localities where the lands are capable of yielding other crops also. You know, Sir, that in my district there are localities in the low lying areas, especially in the chars, where lands are not capable of yielding any other crop. If there be restriction of cultivation in those areas, the

land will remain fallow. You are aware, Sir, that there are certain localities where on account of abnormal rise of water paddy cannot be grown. The jute is to be sown early in the month of Phalgoon and to be harvested in the early part of Ashar. If the cultivation of jute be restricted in those localities, the lands will certainly remain fallow to the detriment of jute-growers to a very great extent.

It has been stated in the Bill itself that a declaration will be made in respect of the locality and area where jute will be restricted, but as far as I know in the record there is no entry whether the land will be capable of yielding any other crop, or the land will be capable of yielding jute only. Unless the record is prepared in that direction, it is impossible to restrict the jute in those localities. I draw the attention of the Hon'ble Minister to this fact. The previous speakers have referred to various difficulties. We should not quarrel among ourselves in this matter, but we should be fully aware of the difficulties and I am quite sure merely by restriction of jute the jute-growers will not get the proper price, unless and until the jute purchasers also are restricted.

Sir, we have one advantage, namely, it is now the monopoly product of Bengal. It is only produced in this country in the province of Bengal and the jute produced in other provinces is comparatively very small. So, if a minimum price is fixed and the jute purchasers be restricted, I am quite sure the jute-growers will be able to fetch proper prices. So, I say there is no hurry in this matter, and specially in view of the fact that there was a jute enquiry committee, we can wait for some time. The Committee sat together and have submitted their report, the report has not yet been published. I do not understand where is the hurry. As suggested by my friend that in the next year it is very likely that jute will be grown over a large area of land and if the demand, due to the cessation of war, is lowered the price may fall abnormally.

As a matter of fact if the minimum price is not fixed and the growth of jute is not restricted the price may abnormally fall, but in such eventuality jute may be destroyed if the necessity arises. Only regulation should not be done without fixing the minimum price of jute. We have spoken of the difficulties and the record so hurriedly prepared, I am quite sure, is not a correct one. I myself was in a locality at the time when the record was being prepared, and the hurry with which it was prepared no doubt will result in a wrong record. I can tell you, Sir, and through you the Hon'ble Minister, that correct record cannot be prepared in such a hurried manner, and I am quite sure it will mislead the Hon'ble Minister in determining the locality where restriction of jute is to be made. Instead of hurriedly proceeding with the matter, let us sit together, let us think over the matter

and then come to definite and correct conclusions in respect of these matters. Let this Bill be translated into Bengali and be sent to all the members of the Union Boards and let their opinion be taken; let a meeting be held. As a matter of fact while I was coming to attend this session of the Assembly I was receiving reports from various quarters that with regard to regulation in the matter of cultivation of jute it should not be done so hurriedly. This is the report which I have got from my constituency and it is my duty to caution the Minister from proceeding so hurriedly. Every one was telling me that in those localities where the lands are capable of yielding jute only, if the restriction be made it will be foreboding a grave disaster to the jute-growers in those localities. It is a matter in which we are all interested, we of the Congress and the members of the other parties here including the Coalition Party, the zamindars and the talukdars should have identical interests in this important matter concerning the poor agriculturists. So I once again say that we should sit together and discuss this matter between ourselves. Let the Bill be circulated among those who are basically interested, and let us come to a decision leisurely without much hurry as is being done now in which latter case we are likely to commit mistakes.

With these few words, Sir, I beg to support the motion moved by my friend Dr. Nalinaksha Sanyal.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, you will permit me to have my say even if it be for five minutes. I was looking forward, Sir, to get a real knowledge of the subject under discussion from the speech of the honourable and learned member from Murshidabad because I have begun to associate him with statistics. (Dr. NALINAKSHA SANYAL: I am from Presidency Division Municipal). But his brain has become vitiated by an obsession which he has placed before the House under different names, i.e., "Cabinet", "political reasons" and in various other forms. Even the compliment he paid to the Cabinet, and naturally to the people on this side of the House, was so half-hearted that I have begun to lose faith in his powers of studying a case intelligently and without prejudice. He has raised bogeys which the meanest of intelligence that understands the meaning of the word "jute" would hesitate to mention. The arguments he has used have been heard before and the remedies he has suggested do not appear to be convincing. Imagine, Sir, the colossal ignorance exhibited by the learned doctor when he states that it was impossible for experts and the trade was incapable of arriving at a correct figure of the world demand for jute. I beg to inform him through you, Sir, that it is possible and there are human beings alive who can give a figure of the world demand for jute within certain definite and well-defined percentages. Such being the case it becomes easy for

those who really want to help the tenants and not for those who sat as neutrals when a measure of tenancy legislation is being passed in the House or for those who tried to delay the Money-lenders Bill for months through sheer opposition for the sake of opposition. I stand up here, Sir, and declare boldly that these people have no love, no affection for the poor tenants. (Dr. NALINAKSHA SANYAL: As though you have!) Yes, because we have gone ahead step by step in the rehabilitation of the peasantry of Bengal. We do not raise bogeys just to delay for the sake of delay. Not one speaker from the opposite has mentioned that there is an ordinance already in force and that the Ordinance is likely to come to an end very much before the 1st of April. As this Ordinance is coming to an end soon, my honourable friends on this side of the House want if necessary to rush through with the Bill under discussion. We want to march along with a definite programme in every branch of the jute industry, whether it refers to the mills or to the cultivation of jute, its marketing and sale or even its warehousing and financing. All these points have been studied. We do not profess like the demi-gods of Indian politics sitting opposite to have achieved perfection. Sir, after all we are human beings. No doubt we shall make mistakes, but I hope Providence in its wisdom will aid us and guide us aright. We shall not be ashamed of our mistakes but it will be our endeavour to rectify them and to go forward. We are not going to wait whatever the opposition be. The honourable and learned Doctor has advised us to seek the assistance of astrologers. We do not hold with that for we believe in the Persian adage: در کار خیر حاجت هیچ استخاره نیست "In an act of piety there is no need whatsoever to look for omens." We are not going to wait for the circulation of the Bill for the elicitation of public opinion. Honorable Members in the Congress Party will remember, Sir, that one of our old grievances against the British Government, was that whenever a thing had to be delayed the I. C. S. folk sent it to a Select Committee or circulated it to elicit public opinion. No, we mean business now and we propose to go ahead. We have had ample time to study the jute problem in all its aspects. Another bogey raised by my friend who came out as a great authority but did seem to know much about it was that because other Provinces also grew jute Bengal must wait until we secured their good pleasure and good opinion. No, Sir, that cannot be; if these Provinces do not come into line with Bengal, Bengal has the power to force them to come into line with us. (Dr. NALINAKSHA SANYAL: How?) If my friend is really serious and anxious to know I shall be only too pleased to inform him privately how that can be done. This is a matter of reciprocal arrangement among the different Governments in India, and as they say in Urdu: اِس ہاتھ دے اُس ہاتھ لے "Give with this hand and take it with that", it is indeed a question

of give and take. (Laughter from the Coalition Benches.) (Mr. NARENDRA NARAYAN CHAKRABARTY: We do not know Urdu; speak in Bengali.) Whenever a telling argument is placed before the House, whenever something that takes the wind out of their sails is uttered in this House, these gentlemen, Sir, begin to shout, interfere and become an absolute nuisance. I appeal to you, Sir, to protect speakers on this side of the House from frequent interruptions like these. They must understand that we on this side do give and have always given them a patient hearing and I hope the honourable and learned Leader of the Opposition will support me.

Mr. SARAT CHANDRA BOSE: On a point of order, Mr. Speaker. Is it permissible for the honourable member to describe the members of the Opposition as a nuisance? I should have thought that the honourable member who was also a member of other legislatures knew that it was unparliamentary.

Mr. ABDUR RAHMAN SIDDIQI: I withdraw, Sir.

Mr. SPEAKER: Mr Siddiqi has withdrawn his remarks. I think it is fair that whenever a member on one side speaks, there should be no interruption. This debate was being conducted very well till Mr Siddiqi arose, when there began interruption. I think that is not very desirable.

Mr. ABDUR RAHMAN SIDDIQI: I should like to take the House into confidence and place all the facts before it to-day. The honourable and learned Leader of the Opposition, Sir, will endorse what I have said.

Mr. SPEAKER: Will you please speak on the motion?

Mr. ABDUR RAHMAN SIDDIQI: They have broken my line of argument.

Intensive cultivation and extensive cultivation, 20 per cent. reduction or 40 per cent. reduction, economic forces and so on—all these arguments we have heard *ad nauseum*. There is no question of rushing this piece of legislation. There is no question of trying to put anybody into inconvenience. We have a definite and regular plan as to how we should forward in this matter. There may be room for difference of opinion. We are ready to be convinced if disinterested and really sincere advice is given; we are not mad or obstinate on this side of the House. Such advice will be accepted gracefully and gratefully, but when its advice is mixed up with arguments of the type that have been brought forward, for instance, one honourable member said tonight that he wished the Government had waited for

the report of the Jute Enquiry Committee and immediately after that he said that Government had sold its soul to the Indian Jute Mills Association. Now the report is not yet out. How could the Government sell its soul? (A VOICE: They could easily.) It leads me to the view that the speeches made from the other side are meant only to oppose the Government. They have not touched even the surface of the case before us. They have just uttered those remarks for the sake of maligning people who, according to the light God has given them, are trying to do their best for the peasant and the cultivator. If you think there is some good in this measure please support them, but if you find that it is beyond you to support them, then at least oppose them intelligently, oppose them with sincerity, oppose in order that they may be guided aright. I could have said many things more but you asked me, Sir, that I should not exceed my five minutes. I beg to appeal to the House through you, Sir, rush this legislation, commit mistakes, do whatever you can, but for God's sake, do not wait till the 1st of April. Go ahead and begin to-morrow if possible. The idea is to help our people as soon and as early as possible.

Mr. SIBNATH BANERJEE: I rise to support the motion for circulation in spite of the eloquent, but sarcastic and biting speech of the honourable member opposite. Mr. Siddiqi wants us to get along. I say ditto. All right, let us get along, but what is to be done to-day? The war is there, the jute price is shooting up, mills have raised their working hours from 40 to 60 to-day, to-morrow it may be 70. The Jute Enquiry Committee have estimated the world demand which is soaring high and the mills are making huge profits. Let us nationalise the jute industry. Let Mr. Abdur Rahman Siddiqi get along with the Cabinet to do so. Nationalisation of jute industry is quite feasible. It does not require much money. I myself have already given a proposal before the Jute Enquiry Committee which will perhaps be coming soon before this House. But Government want to get along. My friend Mr. Siddiqi wants to get along. Well, I agree with him. There is no question of shelving. We must rush a legislation, but we must not rush to do such things as are detrimental to the interests of the peasants. If he says "let us fix the minimum price of jute at Rs. 20", I will say "yes, do it today". Let us make mistakes. We shall learn by doing so. But Mr. Siddiqi and the Cabinet will not do anything of that kind, which will really help the peasants. What they did before? They fixed the jute futures at Rs. 36 per bale. That means the jute grower would get not more than Rs. 4-8 per maund. In the previous Committee as well as in the present Jute Enquiry Committee everybody agreed that the cost of production of jute was never less than Rs. 5 per maund and what this Government did? The benevolent ordinances were passed fixing the minimum price of jute at Rs. 4-8. We all know that the minimum

price has a tendency to become the maximum price. But fortunately for the peasants, in spite of the Cabinet, the war broke out and the price began to shoot up. Had the war not come, the 40 hours' working of the jute mills would have continued and the peasants would not have got more than Rs 4-8 as they were getting when the ordinances were passed. Therefore the credit for this rise of price does neither redound to the Cabinet nor to Mr. Siddiqi's studying the problem. He says that he has got an estimate of the world's demand. In all humility, I can say that, Mr. Mazumdar, the worthy Secretary of the Jute Enquiry Committee was writing frantically not only to the British Government, to Dundee, Hamburg and New York but to trade agents all over the world about their probable demand, but they had not been able to supply even a fairly accurate demand of jute which normally is necessary for the world. To-day the war is there and the difficulties of estimating world demand are numerous, but I do not say that we should not rush a legislation. Certainly I am for passing a legislation - legislation which will be helpful to the peasants, but not this kind of legislation which will make the District Collector an absolute Czar to quote the word of my honourable friend on this side of the House. By this legislation the Collector will have the power to nominate a Committee of 6 members, to appoint its Chairman, to dismiss him or to dismiss a committee. In fact, he will be able to do whatever he will be pleased to do. In the Jute Enquiry Committee and the Linlow Committee, a suggestion has been made that the members of the union board *plus* the representatives of the peasants from each village should form the Union Jute Committees. But the present Cabinet has ignored those suggestions and made a very generous gesture and come out with the proposal of jute regulation. This is the minimum demand to which the European members of the Committee are agreeable to vote with the Government. Regulation is their goal and not more than that. As has been pointed out by my friend, Mr Biswas, last year there was an automatic regulation. Floods regulated the produce by curtailing the cultivation by 33 per cent. or more, but the price did not go up, because the jute mills acted ungentlemanly. They did not buy jute until jute had passed from the hands of the peasants. The peasants did not get the price prevailing even in this year. The price to-day for future market is 108. The peasants sold their jute at Rs 4 to 7 per maund. This is the position.

The objection to this legislation is two-fold. On the one hand, by this legislation the peasant will be thrown into the tender mercy of the Collector, who we know is very much influenced by the Jute Mills Association and the European members of this Assembly. We know the reason why, and that has been mentioned too often in this House to be repeated this evening. The other objection to this Bill is that it is

not comprehensive. If we want to propose regulation, at least the minimum price of jute should be fixed. But I want to go much further as Mr. Siddiqi wants us to get along. I suggest let us nationalise the jute industry at this war time. No better opportunity can offer itself to us for the nationalisation of the jute industry than the present time. The Government of India have nationalised the Railways which cost nearly Rs. 80 crores and the total capital of the jute mills according to their original share value will not exceed Rs. 25 crores. But if we accept the principle which has been accepted in the case of the Money-lenders Bill that if you get double the money you invested, there is no further claim; jute mill owners can expect nothing from Government for the nationalisation of the industry, the firms having received more than ten, nay, fifty times or more of their original share vale. Therefore, on the analogy of the money-lending business the jute industry can well be nationalised without paying any compensation whatsoever to the firms If Government is prepared for that, if Mr. Siddiqi is prepared for that, they can nationalise the industry. But are they prepared to do that? If Mr. Siddiqi is prepared to do that, I shall be very happy to follow him and the members of the Coalition party for the nationalisation of this industry. But I do not want to speak on the question of nationalisation of jute industry this evening at length, as I propose to bring the proposal seriously at an early date but it is only as a retort to Mr Siddiqi that I say that if in the interests of the jute workers and the poor jute growers he is prepared to bring forward such a proposal, we on this side of the House would be very happy to support him. (Mr. ABDUR RAHMAN SIDDIQI: Inshallah!) I could not follow Mr. Siddiqi's interruption but any way that does not matter much. When we want to go ahead, we must see what we are doing. This legislation deals with only one aspect of the question; that is, by regulation something can be done and that the difficulties are not insuperable. Of course, I do not agree that the objections raised by Dr Sanyal are insuperable He has raised the question of enumeration, regulation, bribery and corruption by union board members and many other matters. They are similar to those raised by jute mill owners and the members of the I.C.S I do not agree with them because those difficulties can be overcome and will be overcome very shortly But what I mean to say is that if this piece of legislation does not deal with the question of fixation of the minimum price of jute and if the question of regulation of production is left entirely in the hands of District Magistrates and if the power to inflict a savage punishment of imprisonment for one year for not submitting a return of the acreage under cultivation is retained, then it is better that the Bill should be sent out for circulation with a view to bring forward at a later stage a better drafted Bill with more comprehensive clauses incorporated in it and then I assure there will be full support given to it from this side of the House.

The Hon'ble Mr. TAMIZUDDIN KHAN: Mr. Speaker, Sir, I must confess to a feeling of surprise on hearing the speeches of my honourable friends opposite. Their chief complaint is that Government is rushing matters through. (Mr. JOGESH CHANDRA GUPTA: No, no. It is only unsatisfactory.) Well, that is the impression that I have gathered; why rush through this Bill—circulate it and let the country give its opinion—that is the contention. If this is not a complaint against rushing matters I do not know what it is. However, I am sure that if Government were sitting idle to-day and doing nothing, my friend Mr. Abu Hossain Sarkar would have been the first person to complain. The attitude of the Opposition is simply this: whatever Government does or proposes to do, must be opposed whether good or bad. (Noise from the Opposition benches.) I hope there would be no further interruption.

Mr. DHIRENDRA NATH DATTA: But, Sir, interruptions are allowed by way of parliamentary practice.

Mr. SPEAKER: Well, I am afraid, parliamentary practice does not consist of interruptions of the nature we have been experiencing.

The Hon'ble Mr. TAMIZUDDIN Khan: I am thankful to those of my honourable friends who have given me some constructive suggestions. If I am hitting back on certain points it is because I have to expose the hollowness of some of the arguments that have been adduced by some of the members. First of all, criticism that has been launched against this proposal has been mainly based on misapprehension. Most of the speakers have said it is not the proper time to restrict production of jute. The world demand is going to be very high; high prices will prevail for a long time to come; why at such a time should we come forward with a proposal for the restriction of production of jute? I say that is a misapprehension of the position. The proposal in the Bill is not necessarily to restrict production of jute for the coming year. First of all Government wants power to make a record of the lands under jute in any particular year. Everyone of us knows that hitherto we have had no accurate record of land under jute of any particular year. Records that we now possess are admitted by all not to be correct at all. They are very much wide of the mark. Therefore, unless Government is in a position to know actually on what approximate acreage of land jute is sown in any particular year I think it is impossible to think of regulating the crop in any year. That is what is the intention of Government to-day in asking for powers in this Bill. I have made it clear in my initial speech that Government has not yet decided whether the crop of 1940 will be restricted or regulated or expanded in any way. That will have to be decided after giving

full consideration to various factors. Therefore, the criticism that has been launched against this measure has been mostly due to misapprehension. I shall remember, and Government will remember, the various points raised by the honourable members when Government considers whether next year's crop should be restricted or regulated in any way. But, I think, if powers are not given now the situation may become very dangerous. Mr. Abu Hossain Sarkar thinks that war will continue for five years more, but there are others who differ. We do not know anything. Circumstances may intervene which may see the termination of war within a few months. It should be as plain as water that if war terminates, demand for jute will fall, and certainly next year the price will go down. If on account of the present high prices the cultivators are left free to do whatever they like, is it not likely that they would sow as much as they can? Therefore, I think, next year's crop may be increased even by 50 per cent. if the cultivators are left to themselves. If such a thing happens we do not know whether the price of jute will not fall next year to two or three rupees per maund. This would be simply disastrous to Bengal, but I would remind the House that we have not yet decided what to do. I fully realise the difficulty of the situation.

We shall consider all aspects very seriously and then decide what to do. Unless powers are given to us, not only we shall have to wait till March or April next according to the recommendations of my honourable friends opposite, but we may have to wait for a year or even more, because if the Bill is circulated for opinion by the 31st March, 1940, or by the 1st April, 1940, then whatever recommendations Government may expect thereafter those cannot be codified into law within a short time, and in the meantime another crop will go by, and it will be doubtful whether anything could be done before the year 1941.

I should like to give a brief reply, Sir, to some of the salient points raised by my honourable friends opposite. They have said that simple regulation or restriction of cultivation is not the remedy. Along with that fixation of minimum price is also necessary. That is an important point which Government has not at all overlooked. In fact Government has already started an investigation of that problem, but that problem does not loom as large now as it may do in the future or as it did sometime ago when prices were low. Just at present the price of jute is fairly high and therefore the absence of a minimum price is not at all harmful to the cultivator or to anyone else. It will be for the Government to consider seriously whether a minimum price should be fixed later on according to the circumstances as they may prevail. Therefore, I say this that Government is not at all oblivious of this aspect of the question. We know, Sir, that on account of the combination of interests who can organize themselves easily in spite of regulation of

the crop, prices can be kept down Therefore, if a situation like this arises or if there is any reasonable apprehension of such a situation arising, Government will certainly take all necessary steps to prevent a catastrophe in the jute market

Then, Sir, another criticism is that it is impossible to ascertain the world demand—that is what Dr Sanyal says But my friend Mr. Abu Hossain Sarkar thinks that it is very easy problem, and gives his considered opinion that next year there is going to be a very high demand for jute, and therefore his advice is "do nothing for the present"—"don't regulate, don't restrict the cultivation of jute", that is what he said I trust that the opinions expressed by some of my friends have been given not so much with a view to help the Government in any way but to embarrass it But, I think, the contradictory statements that they have made have frustrated the object that they had in view

Then, Sir, my friend Mr Surendra Nath Biswas is apparently living in the land of imagination He sees phantoms where there are none, and I think therefore it is no good trying to answer him He has satisfied himself that neither the Minister-in-charge nor any of the members of the Cabinet has bestowed any serious consideration to this problem, insinuating thereby that Mr Biswas is the only person in the whole Bengal, probably in the whole world, who thinks about this important problem That being his predilection and that being his claim, I do not like to disturb him in his imagination

Then, Sir, Mr Subhath Banerjee has come forward, at the challenge of my friend Mr Siddiqi, with a progressive proposition that the jute industry should be nationalized Sir, it is very easy to say things like that Here this proposal is coming from a Congress member. We have seen Congress Governments functioning elsewhere and for a long time too, but I do not know how many industries have been nationalized in how many of those Congress provinces That is no reason, however, why Bengal should not come up with a forward policy. I claim that Bengal is going onward with progressive and forward policies and it is my honourable friends opposite who are now trying to pull the string, probably because they are unable to keep pace with the Government, and they are now advancing those old arguments that used to be advanced by the previous Governments against any scheme for restriction of production of jute (laughter from the Congress benches) These are the very arguments which the previous Governments used to advance. It is very curious to find that the mantle of the old Government has fallen on the progressive Congress Party in this House. If this Government has to follow the advice of these honourable members, Bengal will have to wait for a decade more before anything could be done for redressing the grievances of her poor cultivators. I do not like to refer to the things that were mentioned

by my honourable friend Mr. Siddiqi, but the House remembers what the attitude of some of the members has always been about certain progressive measures brought forward by this Government. (DR. NALINAKSHA SANYAL: আপনিও ছিলেন এদিকে, ওসব নাই বোল্লেন।) My friend is absolutely wrong. I was not an absentee in the House when the Bengal Tenancy Act was passed into law. I was in the House and I voted in its favour. However, Sir, I realize that this is a very difficult problem. In fact Government have taken an extremely bold step in coming forward with a proposal like this. I think an experiment like this has not been carried out anywhere in India on such a gigantic scale. I do not know if such an experiment has been tried anywhere else in the world. Therefore, it is quite possible that mistakes may be committed. I am not oblivious of that. On the other hand I am always apprehensive that some unthought of circumstances may intervene and probably frustrate the good attempt that is now being made. In that view I shall remember all the warnings that have been given by my honourable friends. In fact Government has already been thinking of these things, and the more these things are brought to the notice of Government the better, because that will make them all the more careful about the pitfalls into which there is certainly a danger to fall.

I think, Sir, I need not dilate further on the minor points that have been raised by my honourable friends. There is no justification for the circulation of this measure. The whole country knows what it wants so far as the problem of jute is concerned. Therefore if the proposal of my learned friends is to be accepted, I think, Sir, that will be against the trend of public opinion in this country. I oppose all the amendments.

The motion of Maulvi Abu Hossain Sarkar that the Bengal Jute Regulation Bill, 1939, be circulated for the purpose of eliciting opinion thereon by the 1st April, 1940, was then put to the House and a division taken with the following result:—

AYES—64.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Mé.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chakrabarty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.

Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jenab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Manirruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Ramiruddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamakhiksha.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sen, Mr. Atul Chandra.
Sen, Rai Bahadur Jogesh Chandra.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Maniendra Bhusan.
Sur, Mr. Harendra Kumar.

NOES—97.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza
Abdul Hakim, Maulvi.
Abdul Hamid, Mr. A. M
Abdul Hamid Shah, Maulvi
Abdul Karim, Mr.
Abdul Majid, Mr Syed
Abdul Wahab Khan, Mr
Abdulla-al Mahmood, Mr
Abdur Rahman, Khan Bahadur A F M
Abdur Rahman Siddiqi, Mr
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Quasem, Maulvi.
Aftab Ali, Mr
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr
Amiruliah, Khan Sahib Maulvi
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Asiad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md
Blomeastock, Mr L. M
Chipperfield, Mr. J. W.
Clark, Mr. I. A.
Das, Rai Sahib Kirti Bhusan.
Dass, Babu Debendra Nath.
Edgar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gomes, Mr. S. A.
Griffiths, Mr. G.
Gupta, Mr. J. N.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Chowdhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi
Hamiduddin Ahmad, Khan Sahib.
Hatemally Jamadar, Khan Sahib Maulvi
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
McGregor, Mr. G. G.
Mafizuddin Choudhury, Maulvi
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Sirat Chandra.
Mandal, Mr. Jagat Chandra
Maniruddin Akhand, Maulvi.
Marindin, Mr. F. J
Mohammed Ali, Khan Bahadur.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Putin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsai Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasrullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K. C. I. E.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Roy, Kumar Shib Shekhareswar.
Saheb Alam, Mr Syed.
Sadaruddin Ahmed, Mr.
Salim, Mr. S. A.
Samsuliah, Al-Haj Maulana Sr.
Sarker, Babu Madhusudan.

Serajul Islam, Mr.	Smith, Mr. H. Brahant.
Shahabuddin, Mr. Khwaja, C.I.E.	Suhrawardy, the Hon'ble Mr. H. S.
Shamsuddin Ahmed Khondkar, Mr.	Tamizuddin Khan, the Hon'ble Mr.
Shamsul Huda, Maulana.	Tofel Ahmed Chowdhury, Maulvi Haji.
Sirdar, Babu Litta Munda.	Zahur Ahmed Choudhury, Maulvi.

Ayes being 64, Noes 97, the motion was lost.

Mr. SPEAKER: Do you want your amendment to be put to the vote?

Dr. NALINAKSHA SANYAL: Yes, Sir.

The motion of Dr. Nalinaksha Sanyal that "the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March, 1940" was put and lost.

Then the original motion of the Hon'ble Mr. Tamizuddin Khan that "the Bengal Jute Regulation Bill, 1939, be referred to a Select Committee consisting of

(1) Maulvi Md. Israil,

(2) Maulvi Azhar Ali,

(3) Mr. A. M. Abdul Hamid,

(4) Maulvi Abdul Hamid Shah,

(5) Mr. S. A. Salim,

(6) Mr. Birat Chandra Mandal,

(7) Mr. W. A. M. Walker,

(8) Mr. Sibnath Banerjee,

(9) Mr. Charu Chandra Roy,

(10) Mr. Shahed Ali, and

(11) the mover,

with instruction to submit their report by the 8th December, 1939, and that the quorum of the Select Committee be fixed at five," was then put and agreed to.

Mr. SPEAKER: I think we might, at this stage, adjourn for the day.

(Cries of "Yes, yes".)

Adjournment.

It being 7-56 p.m.—

The House was adjourned till 4-45 p.m. on Friday, the 1st December, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 1st December, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M AZIZUL HAQUE, C.I.E.) in the Chair, 11 Hon'ble Ministers and 211 members.

STARRED QUESTIONS

(to which oral answers were given)

Recognition of Trade Unions.

*12. **Dr. SURESH CHANDRA BANERJEE:** (*a*) With reference to the statement made on page 86 of "Two Years of Provincial Autonomy in Bengal" published by the Director of Public Information, Bengal, August, 1939, will the Hon'ble Minister in charge of the Labour Department be pleased to state how many Trade Unions have the present Government promoted up till now?

(*b*) Will the Hon'ble Minister be pleased to lay on the table statement showing—

(*i*) to how many of these Trade Unions have the Government granted their own recognition; and

(*ii*) for how many of them have they secured recognition, from the employers?

(*c*) Have the Government any special machinery for granting such recognition?

(*d*) If so, what is the name of the machinery and what are its constituents?

(*e*) What are the rules and regulations for the guidance of this machinery?

(*f*) Will the Hon'ble Minister be pleased to state whether this recognition referred to in clause (*b*) has any connection with the application for recognition that has of late been invited by the Government in connection with the coming Calcutta Corporation election in accordance with the newly amended Calcutta Municipal Act?

MINISTER in charge of the LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) and (*b*) The hon'ble member's attention is invited to the answers given by me on the 27th March, and 22nd June, 1939, to similar questions asked by him.

(*c*) None.

(*d*) Does not arise.

(*e*) Recognition of each Trade Union is given on the merits of its past activities and I am endeavouring to frame general rules on this subject.

(*f*) No.

Dr. SURESH CHANDRA BANERJEE: মাননীয় মন্ত্রী মহাশয় দয়া কোরে বোলবেন কি Two years of Provincial Autonomy in Bengal বইয়ে—কোন কোন Union কে ওদের নিজের recognition দেওয়া হয়েছে—তার কিছু উল্লেখ আছে কি না?

The Hon'ble Mr. H. S. SUHRAWARDY: Undoubtedly the honourable member has read that book.

Dr. SURESH CHANDRA BANERJEE: On a point of privilege, Sir. আমি এই প্রশ্ন বার বার কোরেও কোন উত্তর পাই নাই। আমি জানতে চাইছি Government কোন কোন Union কে recognition দিয়েছেন; কিন্তু বার বার কেবল principle and policy এর ওজুহাত দেওয়া হয়—কিন্তু কোন straight উত্তর পাই নাই।

Mr. SPEAKER: What is the passage? Have you got that book with you?

Dr. SURESH CHANDRA BANERJEE: I can get it from the Library.

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. If the honourable member wishes to know whether a certain passage appears in a Government publication, surely I am entitled to refer him to that publication.

Dr. SURESH CHANDRA BANERJEE: আমার জানার উদ্দেশ্য Government পরিষ্কার কোরে বলুন—কোন কোন Union কে recognition দিয়েছেন, এবং কোন কোন Union কে বা recognition পেতে সাহায্য কোরেছেন। আমি এ সম্বন্ধে একটী direct answer চাই। Policy আর principle এর কথা শুনতে চাই না।

The Hon'ble Mr. H. S. SUHRAWARDY: I referred the honourable gentleman to an answer which I gave on the 22nd June, 1939. If I

may recall that answer, it was something on this line that although no formal recognition has been given to any trade union, we have given practical recognition to many trade unions, because we received representations from them and I have been endeavouring to see that the employers also give them practical recognition in that manner.

Dr. SURESH CHANDRA BANERJEE: আমি জানতে চাই—গভর্ণমেণ্ট যে বলেন আমরা কোনো কোনো Union কে recognition দিয়েছি—এ কথার মানে কি?

Mr. SPEAKER: I cannot understand unless I read that passage.

Mr. ATUL KRISHNA GHOSE: I beg to draw your attention to the fact that within such a short time, if the Hon'ble Minister refers to some particular publication, is it possible for any member of this House to go through the contents of that publication and come to any conclusion?

Mr. SPEAKER: If that is a question of a particular passage, he ought to have read it

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister explain what is the difference between formal recognition and practical recognition?

The Hon'ble Mr. H. S. SUHRAWARDY: The difference is in law, and it is this; that a formal recognition will be given by Government after rules have been framed and application has been made by the union, and I am fully satisfied with regard to the point as to whether the union conforms to those rules. The rules have not yet been definitely framed, because I want clearly, if a question of recognition has to be considered, to get the co-operation of the employers in this matter. Mere Government recognition will not be of very much help to the unions, unless I can get employers along with me Until that is done, I am giving them practical recognition and I am endeavouring to help them in every possible manner.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state how many years will he take to formulate the conditions on which the recognitions should be given?

The Hon'ble Mr. H. S. SUHRAWARDY: It is as difficult to make an employer understand the true meaning of trade unions, as it is difficult for me to make my honourable friend on the other side understand it.

Mr. SIBNATH BANERJEE: I have not yet got the answer to my question. My question is that how much time the Hon'ble Minister is going to take to formulate conditions which if a union satisfies will give it recognition. Often we hear about conditions being imposed. We want to know what those conditions are.

The Hon'ble Mr. H. S. SUHRAWARDY: The approximate time will depend very much on a favourable atmosphere and I look to my friend on the other side to create that favourable atmosphere by taking to the paths of constitutional trade unionism.

Mr. SPEAKER: How long will you take to formulate those rules, that is what Mr. Banerjee wants to know?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not wish to frame rules without the help of the employers or of the trade unions, because if Government have to frame rules, they must have as large a measure of co-operation and agreement as possible with those concerned.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state how long this educative propaganda amongst the employers will have to be carried before the rules can be formulated?

The Hon'ble Mr. H. S. SUHRAWARDY: That is very difficult for me to forecast, but, I believe, it will take less longer time than the educative propaganda that I have to carry on amongst my friends.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state in terms of days, months and years, so that we can understand when we can have them?

The Hon'ble Mr. H. S. SUHRAWARDY: This metaphysical question cannot be reduced to concrete terms.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister also consult the representatives of the employees in matters of framing rules?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes; I shall certainly do so. Of course I will choose the trade unions.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether affiliation to the Muslim Chamber of Labour is a condition necessary for formal recognition?

Mr. SPEAKER: That question does not arise.

Annual inundation in some parts of the district of Bogra.

*13. **Khan Bahadur MOHAMMED ALI:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware that some parts of West Bogra, viz., Sonamukhi, Akkelpur, in police-station Adamdighi, and some parts of villages in police-station Khettal are subject to annual inundation due to insufficiency of the outlet through Halpal, a railway bridge on the Santahar-Saidpur Section of the Eastern Bengal Railway?

(*b*) If so, what action does he propose to take to save the people of that area from flood havoc?

(*c*) If no action is proposed to be taken, is the Hon'ble Minister considering the desirability of an expert enquiry into the matter?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) to (*c*) Government have taken up the examination of the general question of the adequacy of openings in railway embankments. I understand that a proposal regarding the waterway at the place to which the hon'ble member refers has been submitted by the District Magistrate That proposal will be examined by our experts in due course

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state when the expert examination is likely to be completed?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I hope very shortly

Rural reconstruction grants.

*14. **Maulvi MUHAMMAD ISRAIL:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state the amount spent out of the rural reconstruction grant of Rs. 2 lakhs placed at the disposal of the Collectors, district by district, up to the 30th October, 1939?

(*b*) Did the Collectors ask for any schemes from the Subdivisional Officers and other non-official bodies for spending the amount?

(*c*) Has any amount out of this sum been spent in urban areas?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) The sum of Rs. 2 lakhs has not been placed at the disposal of Collectors in its entirety. Grants are made for individual schemes if approved on application. A sum of Rs. 1,01,853 has been thus disbursed, details of which district by district are placed on the Library table.

(*b*) Government issued no instructions that schemes were to be called for but understand that this was done in most cases, any representations from non-official institutions being also given consideration.

(*c*) Yes, in some few exceptional cases.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the sum was placed at the disposal of Collectors at the instance of the Government of Bengal or the Government of India?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government of Bengal.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if at the time of placing the sum with the Collectors for disposal the Government of Bengal gave any general or special direction as to how the sum should be spent?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I refer the honourable member to my reply? If the honourable member will kindly read my reply he will find that no sum was placed at the disposal of Collectors.

Dr. NALINAKSHA SANYAL: But it is stated that a sum of Rs. 2 lakhs has not been placed at the disposal of Collectors.

The Hon'ble Khwaja Sir NAZIMUDDIN: No, a sum of Rs. 1,01,853 has been disbursed.

Mr. ABDUL WAHAB KHAN: With reference to answer (*c*), will the Hon'ble Minister be pleased to state the nature of the exceptional cases where rural reconstruction grants were spent in urban areas?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to the statement placed on the library table.

Mr. PRAMATHA RANJAN THAKUR: With reference to answer (*a*), namely, that grants are made for individual schemes if approved on application, will the Hon'ble Minister be pleased to state the names of officers who actually approve or disapprove of the schemes in every individual case?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Government of Bengal.

Dr. NALINAKSHA SANYAL: May I know which particular officer of the Government of Bengal was giving the approval?

The Hon'ble Khwaja Sir NAZIMUDDIN: It was done by the Home Department and the Minister.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government, when they placed a portion of Rs. 2 lakhs at the disposal of Collectors of which Rs. 1,01,853 was actually disbursed, gave any specific or general instruction as to how the sum should be spent?

Mr. SPEAKER: I think you have misunderstood the question. The position is that after the schemes were sent up and approved money was placed at the disposal of Collectors! So money went with the scheme when approved.

Dr. NALINAKSHA SANYAL: Does the Government consider the desirability of first approving the entire list of institutions and the purposes for which money was to be provided before placing the money at the hands of Collectors?

Mr. SPEAKER: Your point is that instead of sanctioning each scheme bit by bit whether all the schemes should be first approved.

Dr. Sanyal's question is whether instead of sanctioning individual schemes Government consider the desirability of sanctioning all the schemes from every part of Bengal together and then allotting the money district by district.

The Hon'ble Khwaja Sir NAZIMUDDIN: The Collectors were asked to send up schemes and Government allotted money as the schemes came up from the Collectors.

Maulvi MUHAMMAD ISRAIL: With reference to answer (*a*), what was the actual sum placed at the disposal of Collectors?

Mr. SPEAKER: No money was placed at the disposal of Collectors. The entire sum was budgeted and the Collectors were asked to send up schemes and then money was allotted on each scheme sanctioned.

Maulvi MUHAMMAD ISRAIL: With reference to answer (c), what was the actual amount spent in urban areas?

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, even if the interpretation made by you is accepted I submit the answer has not been properly framed, because it is stated there that the sum of Rs. 2 lakhs has not been placed at the disposal of Collectors in its entirety.

Mr. SPEAKER: I do agree there.

The Hon'ble Khwaja Sir NAZIMUDDIN: If the honourable member will add up all the details contained in the statement placed on the Library table he will get his reply

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state from memory what is the proportion of the grant to urban areas to the total amount?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think less than ten per cent.

Mr. PROMATHA RANJAN THAKUR: What are the considerations for which part of this grant was spent in urban areas?

The Hon'ble Khwaja Sir NAZIMUDDIN: If the honourable member will look through the details he will find them there.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state by whom were the applications made?

The Hon'ble Khwaja Sir NAZIMUDDIN: District Magistrates.

Dr. NALINAKSHA SANYAL: Does the Government consider the desirability of seeking the advice of the Rural Reconstruction Officers of Government in the disposal of this sum?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as this sum is concerned when the Rural Reconstruction Department gets on going naturally all grants will be through that department, but at the present time it is not in full working order.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state if a District Magistrate of a certain district did not send up any scheme, the case of that district went by default?

The Hon'ble Khwaja Sir NAZIMUDDIN: There was no such case of default, and the District Magistrate of his district got the largest sum.

Mr. SURENDRA NATH BISWAS: With reference to answer (*a*), may I enquire whether Government have received schemes from districts valued at Rs. 2 lakhs?

The Hon'ble Khwaja Sir NAZIMUDDIN: The schemes for which money has been allotted cost Rs 1,01,853.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if schemes worth Rs 2 lakhs have been received by Government but Government have not approved of all the schemes?

The Hon'ble Khwaja Sir NAZIMUDDIN: No That is not correct.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether the contributions from local people is a condition precedent for Government grant?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think it was an absolutely essential condition, but as a rule that was one of the necessary conditions for getting the grant quickly.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether contributions were made from this fund to local institutions, libraries, and clubs for doing propaganda work for Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think so.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state whether money was spent by District Officers in accordance with the scheme of rural reconstruction propounded by the Hon'ble Minister in charge of that department some time ago?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is a quite separate grant and it has nothing to do with the Rural Reconstruction Department grant.

Mr. DHIRENDRA NATH DATTA: In view of the answer just given by the Hon'ble Minister, is it not a fact that the interests of the poor people suffer to a great extent as a result of it?

Mr. SPEAKER: That question does not arise.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether members of this House have been consulted in drawing up any of the schemes?

Mr. SPEAKER: That question does not arise.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether he has issued any instruction to the District Officer to consult the members of this House?

Mr. SPEAKER: That question does not arise.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state whether the rural reconstruction has been contemplated to be taken by every department of Government?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what is the total amount involved in the schemes so far received by Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Representation of sub-jail clerks.

*15. **Maulvi AULAD HOSSAIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether any assurance was given on the representation of the sub-jail clerks to appoint them in clerical services in district and central jails?

(*b*) If so—

(*i*) how many sub-jail clerks have since then been given such posts;

(*ii*) what are their qualifications; and

(*iii*) what principle is followed in such recruitment?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Government ordered on the representation that there is no objection to the appointment of sub-jail clerks to the clerical service in district or central jails provided they are adequately qualified and any such candidates should be duly considered when vacancies arise.

(*b*) (*i*) Five.

(*ii*) Four are matriculates and one has passed the I.A. examination.

(*iii*) Recruitment is made on merit, efficiency combined with seniority.

Members of Legislatures as Ja... ...

***16. Mr. NISHITHA NATH KUNDU:** (*a*) Is the Hon'ble Minister in charge of the Home (Jails) Department aware that there is a provision in the Jail Code for the appointment of all the members of the Legislatures by rotation in the district as Jail Visitors?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons why the rule is not observed in all the districts in the province in general and in Dinajpur in particular?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a statement showing the name or names of the district or districts where the rule has not been complied with?

(*d*) What steps, if any does the Hon'ble Minister propose to take for the strict observance of the said rule?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) I have no information to the effect that the rule is being disregarded in any district

(*c*) and (*d*) Do not arise.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what steps he has taken to obtain information from the districts?

The Hon'ble Khwaja Sir NAZIMUDDIN: In practically all the jails there are M. L. A.'s as visitors.

Mr. NISHITHA NATH KUNDU: My question was that there is a provision in the Jail Code for the appointment of members of the Legislature by rotation as jail visitors, will the Hon'ble Minister be pleased to state whether that provision is taken into consideration in appointing the jail visitors?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is no fixed period of rotation.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state which particular jails particular M.L.A.'s are expected to be made visitors of,—whether to the jails within their constituencies?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is a very difficult question. As a rule they belong to the same district in which the jail is situated.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the Central Jails which do not belong to any particular district will have any visitor from persons who do not represent a particular district but a division?

The Hon'ble Khwaja Sir NAZIMUDDIN: If the honourable member bring this to my notice later on, I will look into it. It is rather complicated, and I cannot give an answer offhand.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what steps did he take to obtain information in this regard?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have got nothing further to add to what I have already said.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state what is the difficulty in arranging by rotation, having regard to the number of jails and all the members of the Legislative Assembly, to fix a period according to the number of members available?

The Hon'ble Khwaja Sir NAZIMUDDIN: It will be rather difficult, especially in the case of Mymensingh district to get all M.L.A.'s within the period of five years.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether one M.L.A. or one M.L.C. is appointed at one time in one year, or more than one may be appointed?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not quite remember the number, but it depends upon the number of M.L.A.'s or M.L.C.'s residing in the district in which the jail is situated.

Mr. SYED ABDUL MAJID: Will the Hon'ble Minister be pleased to state if he is aware that none of the jail visitors appointed to the Noakhali District Jail are members of the Legislature?

The Hon'ble Khwaja Sir NAZIMUDDIN: That may be so, because there are non-officials who take very great interest in this work, and they do very useful work, so it would be unfair to them if they are entirely excluded from this.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী মহাশয় অনুগ্রহ কোরে বোলবেন কি যে সমস্ত মেম্বারের ছেলের অভিভাবক আছে, অর্থাৎ এই পরিষদের যে সমস্ত সভ্য বহুবার ছেলে গিয়েছেন তাঁদের এ সম্বন্ধে preference দেওয়া হবে কি না?

Mr. SPEAKER: That question does not arise.

Communal proportion of the staff in the offices of the Chief Inspector of Factories, and Chief Inspector of Boilers.

*17. **Maulvi MOSLEM ALI MOLLAH:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to lay on the table a statement showing separately the present strength of the--

(*i*) staff officers,

(*ii*) upper and lower division clerks,

(*iii*) typists, and

(*iv*) menials,

employed under the Chief Inspector of Factories, and the Chief Inspector of Boilers?

(*b*) How many of each of those posts are held by--

(*i*) Hindus, and

(*ii*) Muslims?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a statement showing--

(*i*) the names, and

(*ii*) the educational qualifications,

of the incumbents of the clerical posts, upper and lower?

(*d*) Will the Hon'ble Minister be pleased to state whether there have been any cases of promotion in the Factories and the Boilers Department during the last seven years?

(*e*) If the answer to (*d*) is in the affirmative, will he be pleased to state whether seniority in the length of service was ever taken into consideration at the time of promotion?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) to (*c*) Statements are laid on the table.

(*d*) Yes.

(*e*) Both merit and seniority in the length of service were taken into consideration at the time of promotion.

Statement referred to in the reply to clauses (a) to (c) of starred question No. 17.

OFFICE STAFF OF THE CHIEF INSPECTOR OF BOILERS.

(a) (1) Staff officers .. 9

(2) Upper and lower division clerks .. 14 clerks, viz., 1 Superintendent, 2 upper division clerks, 1 cashier and 10 lower division clerks.

(3) Typists .. 2.

(4) Menials .. 18 (1 vacant).

	Caste Hindus.	Scheduled Castes.	Muslims.
(b) (1) Staff officers ..	2	Nil	Nil
(2) Upper division clerks (including 1 Superintendent and 1 cashier).	4	Nil	Nil
(3) Lower division clerks ..	6	Nil	4
(4) Typists ..	Nil	Nil	2
(5 Menials ..	11	1	5

(c) Names of upper division clerks. — Educational qualification.

(1) Babu Janaki Nath Banerjee (Superintendent). — Matriculate.

(2) Babu Pashupati Chakravarty (upper division clerk). — Ditto.

(3) Babu Kalipada Mukherjee (upper division clerk). — Under-graduate.

(4) Babu Purna Chandra Dutt (cashier) .. — Non-Matriculate.

Names of lower division clerks. — Educational qualification.

(1) Babu Sasi Jiban Sen .. — Non-Matriculate.

(2) Mauk i Md. Wadiyet Ullah .. — Ditto.

(3) Babu Krishna Mohan Dutt .. — Matriculate.

(4) Babu Sarat Chandra Ghosal .. — Ditto.

(5) Babu Premtosh Kumar Sinha .. — Ditto.

(6) Maulvi Shaik Oli Ahmed .. — Non-Matriculate.

(7) Babu Khagendra Nath Chatterjee .. — Ditto.

(8) Maulvi Md. Abul Farah .. — Matriculate.

(9) Maulvi Khondker Bazle Ali .. — Graduate.

(10) Babu Jitendra Nath Chakraverty .. — Ditto.

OFFICE STAFF OF THE CHIEF INSPECTOR OF FACTORIES, BENGAL.

(*a*) (1) Staff officers	..	11 (one post vacant, viz., Certifying Surgeon of Factories, Barrackpore).
(2) Upper and lower division clerks	..	15 clerks, viz., 4 upper division, 10 lower division and 1 post vacant (clerk of the Certifying Surgeon of Factories, Barrackpore).
(3) Typists	..	5.
(4) Menials	..	17 (2 vacant).
(*b*) (1) Staff officers—		
Caste Hindu	..	3.
Scheduled Caste	..	1.
Muslim	..	Nil
(2) Upper division clerks—		
Caste Hindu	..	4.
Muslim	..	Nil.
(3) Lower division clerks—		
Caste Hindu	..	8.
Muslim	..	2.
(4) Typists—		
Caste Hindu	..	Nil
Scheduled Caste	..	2.
Muslim	..	2.
Indian Christian	..	1.
(5) Menials—		
Hindu	..	8.
Muslim	..	7.

(*c*) Names of upper division clerks.		Educational qualification.
(1) Babu Jibon Krishna Banerjee	..	Under-graduate.
(2) Babu Rukmini Kanta Chakravarty	..	Matriculate.
(3) Babu Ramoni Mohan Bose	..	Ditto.
(4) Babu Debendra Nath Gupta	..	Non-Matriculate.

Names of lower division clerks.	Educational qualification.
(1) Babu Profulla Ch. Roy Chowdhury ..	Graduate.
(2) Babu Sailendra Nath Sinha ..	Matriculate.
(3) Babu Hirendra Nath Sen ..	Under-graduate.
(4) Babu Gour Chand Dass ..	Non-Matriculate.
(5) Babu Sadhan Chandra Ghosal ..	Matriculate.
(6) Maulvi M. A. Jabbar ..	Ditto.
(7) Babu Balai Nath Mukherjee ..	Ditto.
(8) Maulvi Abdul Hakim ..	Under-graduate.
(9) Babu Lolit Mohan Chatterjee ..	Matriculate.
(10) Babu Nagendra Nath Banerjee ..	Non-Matriculate.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state the reason for the absence of any Moslem in the cadre of the staff?

The Hon'ble Mr. H. S. SUHRAWARDY: Possibly very few staff officers have been recruited in our time, and unfortunately among the few new recruits no Moslem possessed the requisite qualifications.

Mr. MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether the appointments of the office staff of the Chief Inspector of Boilers were made after due advertisement?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of how the appointments are made since I am not responsible in a manner for these appointments But I take it that they must have been appointed according to the Secretariat Rules

Bridge over the Dakatia in Tippera.

***18. Mr. SHAHEDALI:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that Chandpur in the district of Tippera is a big commercial town and an important jute centre;

(*ii*) that Chandpur stands on two sides of the river Dakatia; and

(*iii*) that several boat accidents take place every year in the Dakatia owing to narrow breadth of the Dakatia and incessant plying of boats and steamers?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, is the Hon'ble Minister considering the desirability of erecting a bridge over the Dakatia in the near future?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) and (*ii*) Yes.

(*iii*) I have no information.

(*b*) No such proposal is under the consideration of Government.

Mr. SHAHEDALI: With reference to answer (*iii*), will the Hon'ble Minister be pleased to state what steps he has taken to secure this information?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Unless some report or any information reaches Government, it is not possible to ascertain if any accident really occurred.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether he enquired of the Subdivisional Officer of Chandpur?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I believe some local officers were asked

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that several cases of accident were reported to the police, and the police made enquiries thereon?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It may be so.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he made enquiries of the Home Department which department is responsible for receiving reports of accident?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir.

Absence of urinals in local trains running between Calcutta and Bongaon.

*19. **Mr. SERAJUL ISLAM:** (*a*) Is the Hon'ble Minister in charge of the Labour Department aware—

(*i*) that there are no arrangements for urinals and privies in the Inter and Third Class carriages of the local trains running between Calcutta and Bongaon; and

(*ii*) that the passengers of those classes are inconvenienced for their absence?

(*b*) If the answer to (*a*) is in the affirmative, what steps, if any, do the Government propose to take in the matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) Yes. I am informed that it is not the policy of the Railway administration to provide latrine accommodation in any class of carriage on local trains covering less than 50 miles.

(*b*) Does not arise.

Mr. PRAMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to state if he is aware that for want of latrine accommodation passengers are compelled to commit nuisance in the open?

Mr. SPEAKER: That question does not arise. As a matter of fact it is entirely for the Railway Advisory Committee.

Cultivation of jute in Malda district.

*20. **Mr. ATUL CHANDRA KUMAR:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) how many acres of land were cultivated for jute in the Malda district last year; and

(*ii*) whether he is aware that the district produces negligible quantity of jute in comparison with other jute growing districts?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, are the Government considering the desirability of excluding the Malda district from the operation of the Jute Registration Scheme?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) (*i*) About 23,400 acres.

(*ii*) The acreage of jute in Malda is by no means the smallest of any district in the province and can hardly be regarded as negligible.

(*b*) No.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Construction of a bridge over the Dwarka in Murshidabad.

5. Mr. SASANKA SEKHAR SANYAL: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that the construction of the new bridge at Ranagram across the river Dwarka along the Kandi-Berhampore Road in the district of Murshidabad was completed last summer;

(*ii*) that it was to have been formally opened at the beginning of August last; and

(*iii*) that before such opening the approaches to the bridge on either side were washed away, leaving the bridge separated from either bank?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what are the reasons for such discomfiture of the bridge;

(*ii*) what steps, if any, are being taken to prevent recurrence of such havoc in future;

(*iii*) what has been the actual cost of construction of the bridge;

(*iv*) what amount, if any, will have to be spent for additional safeguard;

(*c*) who was entrusted with the construction of the bridge; and

(*d*) what action, if any, has been taken or is being proposed to be taken against the contractor for the defective construction?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) Yes, in the sense that the bridge was ready for traffic, but the construction of culverts on the approaches in accordance with the approved plan, had been postponed in order that traffic might pass over during the rains.

(*ii*) Yes.

(*iii*) Yes, a small length of the approaches was washed away.

(*b*) (*i*) There was a record flood in the river this year and the earth work between the bridge and the approaches was new.

(*ii*) It is proposed to construct a short span at each end of the bridge in place of the proposed culverts in the approaches.

(*iii*) The contracted cost was Rs. 1,10,442.

(*iv*) Little, if any, as this short span will replace the culverts not yet constructed on this approach.

(*v*) Messrs. Braithwaite, Burn and Jessop.

(*vi*) There was no defect in construction.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*) (*iii*) that a small length of the approaches was washed away, will the Hon'ble Minister be pleased to state the actual depth and the breadth of the portion that actually was washed away?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, it is difficult for me to give the actual measurement offhand.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that practically the whole length equal to one span of the bridge has been washed away?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I may inform the honourable member from my personal knowledge that he is not absolutely correct.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state with reference to answer (*v*), that it is proposed to construct a short span at each end of the bridge in place of the proposed culverts, will he be pleased to state if any arrangements have been made already to get the estimates and the plans made for the span?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes, Sir, the estimates are under preparation.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state with reference to answer (*v*) that a short span will replace the culverts not yet constructed, if he is aware that there may be necessity of both the span as well as the culverts?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I do not think that is the view of the experts.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if his attention was drawn before the bridge was constructed to the necessity of having culverts kept, otherwise the bridge would be washed away and to that effect a resolution of the Kandi Bar Library was forwarded to him?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, it is difficult to give a reply to the question in one sentence. Sir, there was a provision for the culverts referred to in the original estimate but in order to avoid delay in giving the public the use of the bridge the construction of the culverts was kept in abeyance; but unfortunately there was an unprecedented flood breaking all previous records, which was responsible for the washing away portions of the embankments filled up with loose earth.

Dr. NALINAKSHA SANYAL: With reference to answer (vi) that there was no defect in construction, will the Hon'ble Minister be pleased to state what was the defect then—if it is not the defect in construction it is a defect in designing which was responsible for the breach?

Mr. SPEAKER: The Hon'ble Minister has answered as due to unprecedented flood.

Dr. NALINAKSHA SANYAL: Sir, the answer as due to unprecedented flood does not explain. Was there any defective designing of the bridge and was that drawn attention to before the bridge was constructed?

Mr. SPEAKER: I think the Maharaja has answered that it is not that there was no culvert. There was a culvert along the bridge, but for convenience of the public, the culvert was not finished, that is why the culvert was washed away.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state by what time the proposed spans on both sides are likely to be completed and the bridge made available for public traffic?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, it is difficult for me to give an idea of time without consulting the experts, but I believe that it will take about two months to complete the two additional spans.

Rate of rent in permanently-settled areas.

6. Mr. RASIK LAL BISWAS: (a) Is the Hon'ble Minister in charge of the Revenue Department aware that there exists a feeling in the province over the question of reduction of the rate of rent in the permanently-settled areas?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action other than setting up of a Committee to enquire into the incidence of rent has been taken in the matter?

(*c*) Have the Government taken any steps since 1st April, 1937, for the reduction of the rent?

(*d*) If not, what steps, if any, do the Government propose to take in this matter in the immediate future?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes, Government are aware that such a feeling exists in some quarters.

(*b*) and (*c*) Besides setting up the Committee referred to, Special Officers were appointed to enquire into the incidence of rents in the districts of Mymensingh, Faridpur and Howrah with a view to examining the desirability of taking action under section 112 of the Bengal Tenancy Act to reduce rents. The reports of the Special Officers are now under examination by the Board of Revenue whose views are awaited by Government. The question as to what is the case for adjusting the general level of rents of agricultural land in Bengal has also been included in the terms of reference to the Land Revenue Commission.

(*d*) Does not arise.

Mr. RASIK LAL BISWAS: মন্ত্রী মহাশয় দয়া কোরে বোলবেন কি কোন কোন quarters এ এরকম feeling আছে?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The quarter to which the honourable member himself belongs.

Development of a seaside resort within the borders of Bengal.

7. Rai HARENDRA NATH CHAUDHURI: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(i) that a feeling exists in this province over the question that a seaside resort should be developed within the borders of Bengal; and

(ii) that in a sketch map prepared by Mr. King, Special Officer, Road Works, Digha has been mentioned as the proposed sea side resort for Calcutta?

(*b*) Is there any railway connection to the place?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state what action does he propose to take in the matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) I understand that such a feeling is prevalent among certain sections of the wealthier classes.

(*ii*) Yes.

(*b*) No.

(*c*) None at present.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state that in view of the fact that the wealthier classes can go to distant seaside resorts in other provinces, what grounds there are for the Hon'ble Minister to consider that the feeling is confined only among the wealtheir classes?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, in order to develop the seaside resort referred to by the honourable memberwe will have to spend a considerable amount of money on the construction of roads, and it is not the policy of Government for the time being to spend money on roads for that purpose.

Rai HARENDRA NATH CHAUDHURI: My question was something very different. With reference to answer (*a*), he says "I understand that such a feeling is prevalent among certain sections of the wealthier classes." My question was whether in view of the fact that the wealthier classes can move to distant seaside resorts in other provinces, what are the grounds for the Hon'ble Minister to consider that the feeling is only confined among wealtheir classes?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: That is because the feeling in the country for spending more money on roads is entirely for a different purpose. There is an increasing demand for giving more facilities for roads to the agriculturists to bring their produce to the market place and so forth.

Mr. SPEAKER: The questions are over. The House stands adjourned for fifteen minutes.

The House at this stage adjourned for fifteen minutes.

(*After adjournment.*)

NON-OFFICIAL MEMBERS' BILLS.

The Bengal Local Self-Government (Amendment) Bill, 1937.

Mr. P. BANERJI: Sir, I beg to move under the proviso to sub-rule (*2*) of rule 19 of the Bengal Legislative Assembly Procedure Rules that the Bengal Local Self-Government (Amendment) Bill, 1937, be continued.

The motion was put and agreed to

The Adi Ganga Improvement Bill, 1937.

Mr. P. BANERJI: I beg to move under the proviso to sub-rule (*2*) of rule 19 of the Bengal Legislative Assembly Procedure Rules that the Adi Ganga Improvement Bill, 1937, be continued.

The motion was put and agreed to.

Mr. P. BANERJI: Sir, I beg to move that the Adi Ganga Improvement Bill, 1937, be taken into consideration.

In doing so, I must submit that my Bill is a very short one and was introduced a very long time ago. The object of my Bill is that the Adi Ganga which is the old channel of the sacred Bhagirathi (Ganges) is in a deplorable condition and both sides are full of slum quarters, ditches and jungles leading to the pollution of the water and making the locality unhealthy and unsightly. There are only 5 clauses in this Bill. I have given the Government a blank cheque and it is up to the Government to do everything possible. (Dr. NALINAKSHA SANYAL: You are giving a blank cheque; what is your bank balance?) (Laughter.) To this I would say that gentlemen of rank have no money in the bank.

The Hon'ble Minister may probably be aware that at one time the Port Commissioners used to dredge this channel which is no longer done. Many of the honourable members may not be aware what this Adi Ganga is. It is popularly called "the Tolly's Nulla", from Alipore to Gariahat bridge. I want to improve that portion of the Adi Ganga. It is necessary not only because of its sacredness but also thousands of pilgrims visit the place not only from this province but from other parts of India also, and also tourists from America and other places whenever they come to Calcutta they visit the Kalighat temple and the Adi Ganga. The water of such a sacred river has become polluted by the discharge of foul water from mills situated on the bank,

of the sewage and storm water from municipal drains, and by other sources of pollution. To add to this, last year during the flood the night-soil pipe passing over Chetla's sluice was broken, and the Calcutta Corporation notified that its water should not be taken. That was all they did. Still lakhs of pilgrims come here and take a dip in the Adi Ganga because its water is considered very sacred. Government are doing all sorts of improvements in the rural and urban areas, but such an important place so near Calcutta, near the metropolis, though there has been improvement all round, this portion has been practically neglected and therefore it is in the fitness of things that the Minister, the Maharaja, should look into the matter and remedy the complaints in the same way as he has stopped the resuscitation of the Bhairab river. It may be within the recollection of the Hon'ble Minister that more than 30 years ago at Kalighat under the presidency of the late Maharaja Sir Manindra Chandra Nandy a meeting was held in which the late Sir Surendra Nath Banerjea also spoke, and a large memorandum was sent to the Government. Government in reply said that this was a matter which required immediate attention. But anyhow the matter was shelved for the time being. Since then no attempts were made to improve that part of Calcutta, but some improvement however has been made now by the contribution that has been made by Sir Badridas Goenka who contributed Rs. 4 lakhs and that part of Kalighat has been improved. The river has silted up and the embankment destroyed. In view of all these things I would request the present Maharaja to take this matter up in earnest and not shelve the same as was once done. By so doing he will stop the contagion on account of pollution of the river water from spreading to all the parts of Calcutta. But to my curiosity I find that there is a motion tabled already by the Maharaja to delay such an important matter by proposing its circulation for the purpose of eliciting opinion thereon by the 30th April, 1940. Still I would request him once again to remedy this grievance of the Hindus in particular who consider the river to be a sacred one from time immemorial and also look to the health of the people of Calcutta and its suburbs.

With these words, Sir, I commend my motion to the acceptance of the House.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th April, 1940.

Sir, I may assure the House that I have full sympathy with the object which the mover of the Bill has in his mind, and it would have given me great pleasure to be able to help him in this respect. I should draw attention of the House to clauses 4 and 5 of the Bill which

propose to charge the Calcutta Corporation and the District Board of the 24-Parganas to bear the entire cost of improvement and maintenance of the scheme. In addition it is proposed that a terminal tax should be realised from the pilgrims who visit the Kalighat temple. Sir, in a matter like this, I believe it is only fair that the parties to be affected by the Bill should be given an opportunity to express their views. Sir, my honourable friend was quite correct when he stated that the Adi Ganga at one time formed the old bed of the Ganges and was known in those days as Ganga Nadi——

Dr. NALINAKSHA SANYAL: That is the definition of Adi Ganga——

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: And that was the reason why this was considered so sacred by the Hindus. But, I am afraid, he was not quite correct when he called the upper reaches as Adi Ganga. It is true that it formed a part of Adi Ganga at one time, but after the improvement effected by Major Tolly in 1777 that portion of the waterway from Kidderpore to Samukpota——

Dr. NALINAKSHA SANYAL: On a point of order, Sir, May I enquire if the Hon'ble Minister is speaking on the Bill or is giving a history of some pre-historical period? We are rather hard-pressed for time. We have got many Bills before us. We know all about this history——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Is that a point of order, Sir?

Dr. NALINAKSHA SANYAL: Yes. I will show you a rule that anything which is irrelevant becomes a point of order.

Mr. SPEAKER: I think Dr. Sanyal did not mean it as a point of order. He wanted to make an appeal to the Hon'ble Minister.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: My honourable friend seems to think that the monopoly of long speeches is left to him. I would not have referred to past history but for the fact that the mover himself has referred to it and I think I shall presently be able to show why I did so. The upper reaches of the Adi Ganga from Kidderpore to Garia and Garia to Samukpota are popularly known as Tolly's Nulla and I may inform the House that we are considering a scheme for the improvement of that portion of the waterway.

To effect any improvement to the Adi Ganga itself there are various difficulties which stand in the way. Unfortunately a major portion of the river bed has been raised and converted into paddy fields, cross

bunds having been put up here and there. Villages have grown at several places over it. It would not be a practical proposition to undertake the scheme suggested in the Bill. According to experts it is hydraulically a dead river. Besides it would cost a huge sum of money to complete the scheme. As a matter of fact, in 1917-18 the question was examined at some detail and it was found that the cost would be prohibitive. Save and except that——

Mr. SPEAKER: Though I thought Dr. Sanyal's point of order was a point of disorder, I find that it is now becoming a point of order.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I bow down to your ruling but not to Dr. Sanyal.

The Calcutta Improvement Act cannot apply to the entire portion of the waterway as it is outside the jurisdiction of the Calcutta Improvement Trust.

I will now conclude. We are aware of the miserable water-logged condition of the salt lake areas to the south of Calcutta and so near the town. We are considering schemes to drain out the Panchanyagram as well as the Dhuni-Jatragachi areas which will improve local conditions considerably and may to some extent remove the grievances of the honourable mover of the Bill.

With these words I would appeal to my friend to accept my motion for circulation. I am sure that after what I have stated he would accept my motion. Once more I would urge that it is only just and fair that we should give an opportunity to the parties affected to express their views before taking any legislation in hand. With these words I would commend my motion to the acceptance of the House.

Mr. P. BANERJI: I accept the motion.

The motion of the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar, that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th April, 1940, was then put and agreed to.

The Bengal Court of Wards (Amendment) Bill, 1937.

Maulvi ABU HOSSAIN SARKAR: Sir, I beg to move under the proviso to sub-rule (2) of rule 19 of the Bengal Legislative Assembly Procedure Rules that the Bengal Court of Wards (Amendment) Bill, 1937, be continued.

The motion was put and agreed to.

Maulvi ABU HOSSAIN SARKAR: I beg also to move that the said Bill be taken into consideration.

Sir, the Bill is intended to do away from the Court of Wards Act one of the most immoral provisions contained in section 6(*e*). The Act was passed to help the really needy and helpless zemindar, such as widows, orphans and lunatics, but subsequently section 6(*e*) was added to pamper the do-little and worthless sons of zemindars of Bengal.

Mr. PRAMATHA NATH BANERJEE: Who is the lunatic, Sir?

Maulvi ABU HOSSAIN SARKAR: Will you please find that out?

Mr. PRAMATHA NATH BANERJEE: It is very difficult.

Maulvi ABU HOSSAIN SARKAR: The zemindars are responsible for the consumption of a vast amount of money that may have been utilized for the economic development of the country. So there is a cry in the air for abolishing the zemindari system. At such a time the present paternal treatment to a class of zemindars who prove themselves inefficient, extravagant, and unable to save their property is highly improper. If the House be pleased to pass my Bill into law anybody calling himself a disqualified proprietor will not be able to keep his property under the charge of Court of Wards and all the properties taken charge of from such worthless persons will forthwith be released. This will, at the first instance, be an eye-opener to the zemindars who live on the unearned income derived from the labour of their forefathers and not to live extravagant and questionable life. At the same time an impetus will be given to the young sons of zemindars to learn how to manage their own property. So viewed in this light the Bill may be considered to be in the interest of the zemindars themselves. Leaving aside the somewhat sentimental ground I wonder why these able-bodied men will get shelter from Government. How can a microscopic body of persons not really needy expect paternal treatment? Is it not shameless and disgraceful? Can special right be claimed or created or exist for persons who bring misfortune on their own heads or try to shift the burden of the management of their property to Government? Very many of these zemindars are absentee landlords who come to the metropolis for living beyond their means and after some time apply to the Court of Wards to take charge of their property. The original duties imposed on the landlords, such as, spread of primary education, irrigation, and policing their own zemindaries are not now in their hands. I ask Sir Bijoy to make out a clear case for his perpetual minors, some of whom generally sit on his right, left and behind him.

Mr. SPEAKER: I am sorry, Mr. Abu Hossain Sarkar, you must withdraw that expression. You cannot make any reflection directly or indirectly on any member of this House.

Maulvi ABU HOSSAIN SARKER: I withdraw Sir.

But I ask Sir Bejoy to make out a case for the perpetual minors of the Court of Wards. If the properties were taken over for national welfare or for nationalising them, there would not have been any objection from our side, but there is no reason whatsoever why the property of others is to be managed by the Court of Wards. It is a matter for Government to decide. By deleting section 6(c) I like to do away with the privilege of disqualified proprietors to give their properties to the Court of Wards, and the other provision in the Bill is that all the properties taken under the Court of Wards under this section should be released at once, and the last provision of my Bill is that disqualified proprietors will not be able to become members of any local bodies either by nomination or by election. To this my motion perhaps Sir Bejoy will come forward with some objections. He may urge that, if the properties of some of the encumbered zemindars are not taken charge of by Government the revenue will suffer. I submit this cannot be a plausible objection. There are enough monied men who will purchase these zemindaris and compensate Sir Bejoy and replenish his treasury. The zemindars are compelled to keep the property in charge of the Court of Wards only because, as they say, the tenants do not pay their rents. This I submit cannot also be a true proposition. Because when a property is taken over by the Court of Wards the tenants generally pay and there is no reason why the tenants will not pay if the property is managed by the proprietor efficiently. The real reason for keeping the properties under the charge of the Court of Wards may be found somewhere else. I may quote a few lines from the report of a European civilian, these are astounding lines in a 20th century. It is published in 1938. There, he says, "There is always a tendency for the rich to become richer and the poor to become poorer, and it is hardly the duties of the khas mahal to interfere with this law of nature." This gentleman was appointed by Government to report on the effect of suspension of certificate in the khas mahal areas and there the gentleman makes this astounding remark. It is no doubt the opinion of a civilian, but if this be the opinion of the present Government also, then I shall not be sorry if they throw out my Bill, but, if they claim that it is a popular Government then I submit it is their duty to accept my Bill and pass it into law. I do not go further. With these few remarks I commend my motion for the acceptance of the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th November, 1940.

Sir, first of all I would like to point out that Mr. Abu Hossain Sarkar is not quite correct when he says in the objects and reasons

of the Bill that the original intention for passing the Act, so far as it could be gathered, was to give protection to those who really need it. Besides giving protection, Government thought that it was necessary, in the interest of Government revenue and for safeguarding it, to give protection to estates of big zemindars. That was really the primary object of the Court of Wards Act, and I venture to submit that that object is still being adhered to. It is only important estates with large charities, with historic traditions, the estates of families which have rendered useful and valuable services to the public and the State for generations, are given protection by the Court of Wards. The members of those families are always expected to render such services at present and in the future and in fact they do render such services still. These estates are not mere individual properties; without reference to particular instances I may submit as is well known to the members of this House, that there are many zemindari houses in Bengal which have rendered valuable services to the country by establishing schools and colleges, by maintaining charitable institutions, by constructing roads, by establishing hospitals and dispensaries, and these institutions are permanent charges on the revenues of these estates. If these estates disappear the public are not going to benefit. The public interests will seriously suffer, and it is undoubtedly the duty of Government to see that they do not suffer. If the zemindari schools, colleges and hospitals have to be closed down, or the charities maintained by the zemindari estates are withdrawn, then I am sure the public revenues will have to substitute the expenditure now met by the zemindars. Besides under Government management the tenants are supposed to be better treated, so, that is also one of the reasons why at least my friend the honourable mover of the Bill should not object to larger number of estates coming under the Court of Wards. He says that there is a demand nowadays for abolition of the zemindari system. I join issue with my honourable friend. I have had occasion of visiting all the districts of Bengal during the last two years coming in close contact with tenants' representatives and representatives of the public, in general, but nowhere it was suggested that the zemindari system should be abolished. On the other hand, I found that everyone was anxious that the existing system should be maintained as best as possible. Of course it requires pruning here and there—some tightening up somewhere—but that is not abolishing the zemindari system. Sir, some of these estates which are at present under the Court of Wards are heavily indebted, and certainly the public of Bengal do not desire that these estates, these princely houses, should collapse or disintegrate. Bengal will be poorer if they do, and I for one, Sir, would certainly regret such an incident.

Mr. Abu Hossain Sarkar referred to a particular passage in the report of Mr. Stewart on the khas mahal management. I am sure

Mr. Sarkar has misquoted it, I would request my honourable friend to quote it with reference to the context in which those words have been said. There is definitely a tendency on the part of the rich to become richer—the man who is rich is always anxious to become richer. The man who is poor is economically not in a position to help himself. Naturally he becomes poorer though we all regret it, and certainly it is the desire of the present Government to help that helpless class as best as we can for whom my friend seems to be so anxious, viz., the agriculturists and the tenants of Bengal. The honourable member said, "why should these able-bodied men be given such protection, they do not deserve it and it is an immoral provision in the Act". Sir, I may say that the landlords have come to their present plight not always because they wasted money but because of the general world depression. It has hit the agriculturists, it has hit the businessmen, it has hit the professional men, and it has hit the landlords. By establishing the Debt Settlement Boards Government are trying to help the agriculturists. As most of these estates are trusts in the hands of their proprietors for public benefit, as they are assets to the country—Government think that it was their duty to give them protection, and so long as this Government remains in power it will go on giving them protection. With these words I commend my motion for acceptance of the House.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that the Bengal Court of Wards (Amendment) Bill, 1937, be circulated for the purpose of eliciting opinion thereon by the 30th November, 1940, was put to the House and a division taken with the following result:—

AYES—106.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Kader, Mr. (Bihar Lal Mesh).
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mir.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Aftab Ali, Mr.
Aftab Hossain Sparder, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Siridha, Maulvi.
Ahmed Hossain, Mr.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Asiad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Basu, Mr. Jatindra Nath.
Bell-Hart, Miss P. B.
Birkmyre, Sir Henry, Bart.
Blomeostock, Mr. L. M.
Brown, Mr. A. C.
Clark, Mr. H. A.
Das, Rai Sahib Kirit Bhusan
Dass, Babu Debendra Nath.
Ether, Mr. Upendranath.
Farhad Raza Choudhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gomes, Mr. S. A.
Griffiths, Mr. G.
Gurung, Mr. Bomber Singh.
Hafizuddin Choudhury Maulvi.
Hannanzzaman, Maulvi Md.

Hosiea Murshed, Mrs., M.B.E.
Hotemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Ispahanni, Mr. M. A. H.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Choudhury, Maulvi.
Maktab, Maharajkumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Miller, Mr. C.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Solaiman, Kha Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Palin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Nooruddin, Mr. K.
Rahman, Khan Bahadur A. M. L.
Ray Choudhury, Mr. Birendra Kishore.
Razaur Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoyprasad Singh.
Roy, Mr. Dhananjoy.
Roy, Rai Bahadur Kshirod Chandra.
Roy, Mr. Patiram.
Roy, Kumar Shib Shekhareswar.
Sadaruddin Ahmed, Mr.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sen, Rai Bahadur Jogesh Chandra.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Shamsul Huda, Maulana.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brahant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Wordsworth, Mr. W. C.
Whitehead, Mr. R B.

NOES—57.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Atimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Khibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Promhari.
Barman, Babu Shyama Prasad.
Basu, Mr. Santosh Kumar.
Biswas, Mr. Rasik Lal.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chakrabarty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deiui, Mr. Narendra Nath.
Dutta, Mr. Sukumar.
Dut'a Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Ghosh, Mr. Atul Krishna.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Mantra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mandal, Mr. Jogendra Nath.
Maqbul Hossain, Mr.
Mukherjee, Mr. S.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Pramanik, Mr. Tarinicharan.
Ramiuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamakrishna.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sen, Mr. Atul Chandra.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sinha, Srijut Maniendra Bhusan.
Sur, Mr. Harendra Kumar.
Wahid Rahman, Maulvi.

Ayes being 106 and Noes 57 the motion was carried.

The Bengal Fisheries Bill, 1937.

Sj. NARENDRA NATH DAS GUPTA: Sir, I beg to move under the provision to sub-rule (2) of rule 19 of the Bengal Legislative Assembly Procedure Rules that the Bengal Fisheries Bill, 1937, be continued.

The motion was then put and agreed to.

Sj. NARENDRA NATH DAS GUPTA: Sir, I beg to move that the Bengal Fisheries Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Sir Bijoy Prasad Singh Roy,
(2) Mr. Charu Chandra Roy,
(3) Babu Rajendra Nath Barman,
(4) Maulvi Abu Hossain Sarkar,
(5) Mr. Surendra Nath Biswas,
(6) Mr. Jogendra Nath Mandal,
(7) Mr. Asimuddin Ahmed,
(8) Mr. Aulad Hossain Khan, and
(9) the mover,

with instruction to submit their report by the 21st February, 1940, and that the quorum of the Select Committee be fixed at four.

সভাপতি মহাশয়, আজ ১৯৪০ খৃষ্টাব্দে এসেম্বলীতে যে এই Fishery Bill আনতে হবে এর চেয়ে আর দুঃখের কথা কিছু হোতে পারে না। বাংলা দেশে আমরা প্রায়ই মন্ত্রীমণ্ডলীর কাছ থেকে শুনে থাকি যে তারা দেশের লোকের চাল ভাতের ব্যবস্থা কোরবেন। কিন্তু আমরা সকলেই জানি বাংলার অধিকাংশ লোক ভাত খায় এক বেলা—এবং তার মধ্যে ভাতের সঙ্গে ডাল যোগাতে পারে অতি অল্প লোকই। কিন্তু বাংলার প্রধান খাদ্য ভাতের পরই হোলো মাছ। এবং কাঙ্গাল যারা, গরীব দ্বারা তারা কোনও রকমে যৎসামান্য মাছ যোগার কোরে ভাতের সঙ্গে খেয়ে জীবন ধারণ করে। কিন্তু দুঃখের বিষয় আমাদের মৎস্যজীবি সম্প্রদায় বাংলার যাদের সংখ্যা প্রায় ২৮ লক্ষ হবে, মোট জন সংখ্যার তুলনায় যাদের সংখ্যা শত করা পাঁচ জনের চেয়েও কিছু বেশী, তাদের উপর অত্যাচারের উপর অত্যাচার শতাব্দীর পর শতাব্দী ধোরে চোলে আসছে, সে দিকে আমাদের দৃষ্টি নাই। তারা বড় দৃষ্টি বন্যার সঙ্গে সংগ্রাম কোরে নিজেদের ব্যবসা পরিচালনা করে। তাদের কুমীরের সঙ্গে—হাঙ্গরের সঙ্গে—লড়াই কোরে বেঁচে থাকতে হয়। কিন্তু প্রকৃতির সঙ্গে, দুর্যোগের সঙ্গে লড়াই কোরে জয়ী হোয়ে বনের হিংস্র জন্তুর সঙ্গে যুদ্ধ কোরে জয়ী হোয়ে নিজেদের ব্যবসা পরিচালনা কোরতে পারলেও মানুষের কাছে তারা একান্ত বিপন্ন। গভর্ণমেণ্ট এদিকে আজ পর্য্যন্ত কোন দৃষ্টি দিচ্ছেন না। দুঃখের বিষয় গত কাউন্সিলের আমলে এই Fishery সম্বন্ধে শ্রীযুক্ত নরেন্দ্র নাথ মহাশয় একটা প্রস্তাব এনেছিলেন। সেই প্রস্তাবটা আলোচনার পরে—আজ যেমন এর পরেই প্রস্তাব আসবে that the Bill be circulated for the purpose of eliciting public opinion—তখনকার গভর্ণমেণ্টও এমি

একটা প্রস্তাব এনেছিলেন যে ১৯০৭ খৃষ্টাব্দের মার্চ মাসের মধ্যে জন-মতামতের মত জানা হোক। সেই মার্চ মাসের মধ্যে জনমত সংগ্রহের যে প্রস্তাব পূর্ব্বতন গভর্ণমেণ্ট কর্তৃক পাশ করার ফলে জনমত সংগ্রহ হোয়েছিল, তারপরেও দীর্ঘ তিন বছর কেটে গেছে এবং সেই গভর্ণমেণ্টের উত্তরাধিকারী পরবর্ত্তী গভর্ণমেণ্ট আর হয়তো সেই জনমত জানার প্রস্তাব নিয়েই পরিষদে উপস্থিত হবেন। এর কারণ বুঝতে আমাদের বেশী দেরী লাগে না। কারণটা হোচ্ছে এই যে—২৯ লক্ষ মৎসজীবি যে সারা বঙ্গদেশে বিচ্ছিন্ন হোয়ে আছে, তাদের সৌভাগ্য হয় নাই এমন কোন member পাঠাতে যারা বর্ত্তমান কোয়ালিশন গভর্ণমেণ্টকে প্রভাবিত influenced কোরতে পারে। এদেরে দয়ার দিক দিয়ে সুবিচারের দিক দিয়ে নেবার যে কেউ নাই, বর্ত্তমান গভর্ণমেণ্টের মনোবৃত্তি থেকে তাই প্রতীতি হয়। কিন্তু যদি গভর্ণমেণ্টের কাণে তাদের সেই মর্ম্মভেদি আর্ত্তনাদ এতকাল না পৌঁছে থাকে তাহলে আমি আশা করি গভর্ণমেণ্ট যদি তাদের সম্বন্ধে দুচারটে কথা শোনেন এবং বিবেচনা করেন তাহলে গরীব হতভাগ্যদের জন্য কিছু করবার সময় আসতে পারে।

এখন কথা হোচ্ছে—এই গরীব মৎসজীবের দল কিভাবে তাদের জীবন পরিচালনা করেন। তারা——

Mr. SPEAKER: Mr. Das Gupta, I am sorry to interrupt you at this stage. I would not have done so but for the fact that there are other Bills and amendments thereto with which I would have to hasten up and finish as much of them as possible. I am afraid I have to point out that you have introduced your Bill without obtaining the previous sanction of the Governor. So far as section (3) is concerned it speaks of the right of a person in fisheries and you want to curtail that right. But under section 299(3) "no Bill or amendment making provision. .. or for the extinguishment or modification of right therein.....shall be introduced... ..in either Chamber without the previous sanction of the Governor". To my mind it looks as if is requires such sanction. Unless you satisfy me——

Sj. NARENDRA NATH DAS GUPTA: Sir, I did not ask for the sanction of the Governor because I thought that the provisions would not require such sanction.

Mr. SPEAKER: Under section (3) are you not taking away the right of a person in the matter of fisheries to settle with anybody he like? The modification of rights in a land includes——

Dr. NALINAKSHA SANYAL: May I submit, Sir, that the modification contemplated here is something different from what is probably sought to be contemplated in the section of the Act. Here my friend wants regulation and not modification in the sense that the right should be extinguished.

Mr. SPEAKER: Naturally. It is very well understood. If I want to settle with anybody and if you say I should settle with a particular person that, I think is a modification of the right.

Dr. NALINAKSHA SANYAL: For example Sir, let us take the analogy of the case of the Bengal Jute Bill. There an attempt is made to regulate production, and I shall have no right to produce jute in any manner and in any quantity I like, as also whatever crop I like in my land. In this case although the right in land possessed by an individual was sought to be modified, this point, namely, compliance with section 299(3) was not raised.

Mr. SPEAKER: The right or the modification contemplated in that case was something quite different. This Bill goes against an already existing right, namely, catching fish. Controlling the same is something quite different. In any case I am afraid I shall have to postpone the consideration of this Bill till the 8th. As at present it does not satisfy me to proceed with this Bill unless the Governor's assent is obtained.

Sj. NARENDRA NATH DAS GUPTA: I did not apply for Governor's assent, because I thought it was not necessary in this case.

Mr. SPEAKER: If that is all what you have got to say, I am afraid that under the rules I am under the painful necessity to rule that this discussion cannot proceed further at this stage; it will have to be taken up on the 8th instant. In the meantime our department will take the necessary steps to obtain the sanction.

The Bengal Fisheries Bill, 1939.

Mr. SPEAKER: Mr. Biswas, regarding this Bill, Governor's sanction under section 299(3) has been obtained, but the recommendation of the Governor under section 88(3) has not. So you may or may not move your motion, but the Bill cannot be passed unless the recommendation is obtained.

Dr. NALINAKSHA SANYAL: Sir, sanction can be subsequently taken, and he can move it now.

Mr. ABDUL LATIF BISWAS: Sir, I beg to move for leave to introduce the Bengal Fisheries Bill, 1939.

The Secretary then read out the short title of the Bill, namely, "The Bengal Fisheries Bill, 1939".

Mr. ABDUL LATIF BISWAS: I also beg to move that the said Bill be referred to a Select Committee consisting of:—

(1) The Hon'ble Sir Bijoy Prasad Singh Roy,
(2) Maulvi Shamsuddin Ahmed Khandakar,
(3) Maulvi Md. Abdus Shaheed,
(4) Maulvi Aulad Hossain Khan,
(5) Mr. Abdulla-al Mahmood,
(6) Mr. Abdul Karim,
(7) Mr. Birat Chandra Mandal,
(8) Mr. Kshetra Nath Singha,
(9) Mr. Atul Chandra Kumar,
(10) Mr. Kiran Sankar Roy,
(11) Dr. Nalinaksha Sanyal,
(12) Mr. Birendra Kishore Roy Chowdhury,
(13) Mr. Md. Israil,
(14) Mr. Syed Abdul Majid,
(15) Mr. Mafizuddin Ahmed,
(16) Khan Sahib Maulvi Syed Muhammad Afzal, and
(17) the mover,

with instruction to submit their report by the 29th February, 1940, and that the quorum of the Select Committee be fixed at five.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bengal Fisheries Bill, 1939, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1940.

Sir, Government appointed a Special Officer to enquire into the rights of fishermen in fisheries. It being a very big and complicated problem he naturally took several months over the enquiry and he has just submitted a very voluminous report on the subject. Government received it only about a couple of days ago, and it has not been possible to print the same. We propose to examine the same and then to draw up our Bill on the lines of the recommendations of the Special Officer. In this view of the matter, Sir, I would move that this Bill be circulated for eliciting public opinion thereon, so that Government may have further materials at their disposal to enable them to try to draw up their Bill. So I would request my hon'ble friend to consider my motion.

Mr. ABDUL LATIF BISWAS: In view of what has been said by the Hon'ble Minister I accept his amendment.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that the Bengal Fisheries Bill, 1939, moved by Maulvi Abdul Latif Biswas be circulated for the purpose of eliciting opinion thereon by the 31st July, 1940, was then put and agreed to.

The Transfer of Property (Bengal Amendment) Bill, 1939.

Mr. SPEAKER: Mr. Maitra, we asked for Governor's sanction under section 299(3), but we have not got it.

Mr. SURENDRA MOHAN MAITRA: I got sanction of the Governor last year.

Mr. SPEAKER: That has lapsed. I am afraid, it will have to be carried over to the 8th and in the meantime we shall get the sanction of the Governor.

The Bengal Cattle Bill, 1939.

Mr. P. BANERJI: I beg to move for leave to introduce the Bengal Cattle Bill, 1939

Secretary then read the short title of the Bill.

Mr. SPEAKER: So far as this Bill is concerned no sanction is necessary but we have not got the recommendation under section 82(3). There is no bar to its introduction, but it cannot be ultimately passed.

The Bengal Political Prisoners' Classification Bill, 1939.

Mr. JOGESH CHANDRA GUPTA: I beg to move for leave to introduce the Bengal Political Prisoners' Classification Bill, 1939.

(Secretary then read the short title of the Bill.)

Mr. JOGESH CHANDRA GUPTA: I also beg to move that the said Bill be taken into consideration.

Mr. SPEAKER: Third reading cannot be passed.

Mr. JOGESH CHANDRA GUPTA: I understand it. I have got an intimation that steps have been taken by the Legislative Department to obtain the necessary sanction.

I do not want to take up the time of the House. The Statement of Objects and Reasons fully explains the purpose of the Bill.

Mr. SPEAKER: Who is the Hon'ble Minister in charge?

Mr. JOGESH CHANDRA GUPTA: He is not here, but I think he will be here soon.

The object of the Bill is to provide facilities for the political prisoners in jail and to enable them to become useful members of society after their release. It is further desirable that political prisoners should be segregated from the ordinary criminals.

The classification of prisoners in three divisions according to social status and standards of living has presented many difficulties so far as political prisoners are concerned. In numerous cases the classification has been arbitrary and unsatisfactory. It is therefore considered necessary that political prisoners should be brought under one class and more humane treatment should be ensured in jail; so that they may not be shattered in health and mind as unfortunately has been the case with many political prisoners.

The Hon'ble the Minister in charge of the Home Department is not yet here, but I am sure, he will agree that if he will facilitate the passing of the Bill without much delay, many worries and troubles he will be saved from. A great deal of the time of this House is taken up in answering the questions relating to the treatment of political prisoners and their health, but if this Bill is passed, I am sure that will relieve the Hon'ble the Home Minister of the many troubles, and worries he has to face on account of the unsatisfactory state of things. I do not think I should take up more time.

The Hon'ble Khwaja Sir NAZIMUDDIN: I regret very much that I have to oppose this Bill. I am afraid it is not possible to make these classifications. It will entail a lot of expenditure and there are obvious difficulties in giving effect to the provisions of the Bill.

The motion of Mr. Jogesh Chandra Gupta that the Bengal Political Prisoners' Classification Bill, 1939, be taken into consideration, was then put and a division taken with the following result:—

AYES—48.

Abdul Wahed, Maulvi.	Azimuddin Ahmed, Mr.
Abu Hossain Sarkar, Maulvi.	Banerji, Mr. P.
Abul Fazl, Mr. Md.	Banerjee, Mr. Promathe Nath.
Ahmed Khan, Mr. Syed	Banerji, Mr. Satya Priya.

Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barman, Babu Shyama Prasad.
Basu, Dr. Santosh Kumar.
Biswas, Mr. Rasik Lal.
Bose, Mr. Sarat Chandra.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deoki, Mr. Narendra.
Dutta, Mr. Sukumar.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Gupta, Mr. Jogesh Chadra.
Hasan Ali Chowdhury, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishith Nath.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mandal, Mg. Jogendra Nath.
Maniruzzaman Islamabadi, Maulana Md.
Mukherjee, Mr. S.
Mukherji, Dr. Sarat Chandra.
Mullick, Srijut Ashutosh.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamakrishna.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sen, Mr. Atul Chandra.
Sen, Rai Bahadur Jogesh Chandra.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.

NOES—81.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdur Rahman, Khan Bahadur, A. F. M.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Altab Ali, Mr.
Altab Hossain Joardar, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Amiruddah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Asiad Hossain Khan, Mogivi.
Azhar Ali, Maulvi.
Bell-Hart, Miss P. S.
Clarke, Mr. I. A.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edser, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, The Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gomes, Mr. S. A.
Hafizuddin Choudhuri, Maulvi.
Hassanuzzaman, Maulvi Md.
Hasina Morshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hirtzel, Mr. H. A. F.
Kabiruddon Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Mafizuddin Choudhury, Maulvi.
Mahtab, Maharajkumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Marindin, Mr. F. J.
Mohammed Ali, Khan Bahadur.
Moslem Ali Mollah, Maulvi.
Muhammad Afzal, Khan Sahib Maulvul Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddiqui, Khan Bahadur Dr. Syed.
Muhammad Soliman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Rahman, Khan Bahadur A. M. L.
Razaur Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Saderuddin Ahmed, Mr.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabeddin, Mr. Khwaja, C. B. E.
Shamseddin Ahmed Khondkar, Mr.
Sridar, Babu Lalit Mganda.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Wordsworth, Mr. W. C.

The Ayes being 48 and Noes 81 the motion was lost.

The Bengal Misdemeanour Bill, 1939.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I beg leave to introduce the Bengal Misdemeanour Bill, 1939.

(The Secretary read the short title of the Bill.)

Dr. NALINAKSHA SANYAL: I beg also to move that the Bengal Misdemeanour Bill, 1939, be referred to a Select Committee consisting of—

(1) the Hon'ble Minister in charge,

(2) Mr. Jatindra Nath Basu,

(3) Mr. Pramatha Nath Banerjee,

(4) Mr. W. C. Wordsworth,

(5) Mr. Fazlur Rahman, of Dacca,

(6) Mr. Pulin Behary Mullick,

(7) Mr. Abu Hossain Sarkar, and

(8) myself,

with instruction to submit their report by the 30th March, 1940, and that the number of members who will constitute the quorum will be five.

Sir, this Bill is a very simple Bill, and it is a very healthy piece of legislation which is very much needed under democracy. The Government of India Act, 1935, does not provide against certain classes of offences which were formerly regarded as acts of misdemeanour under the old Act of 1919. As you know, Sir, an election petition case which was much fought and advertised last year, revealed how the present law fails to ensure free exercise of the franchise by the people, and to prevent the utilisation by persons in authority of the services of officers placed under them. This anomaly is "likely to lead to a gross and dangerous form of corruption in public life". These words are quoted from the judgment in that election petition case. The existing legislation has also no adequate provision for effectively dealing with corruption, bribery and undue influence in the public bodies of the province, as a result whereof certain classes of members of public bodies like municipalities, corporations and even legislatures can, with impunity, accept inducements for their public duties and go scot-free, because the law's arms are not long enough to bring them to book. The object of this Bill is to remove such anomalies in the present law and to ensure purity and freedom in the functioning of democracy and the institutions working thereunder. The clauses of the Bill are self-explanatory and the Bill was circulated to members long

ago and those members who are new have received the Bill as it was circulated to them a few days ago.

This Bill has been drafted entirely in accordance with the Parliamentary draft of a similar Bill of the Victorian era and I hope the Government will feel the justification for a Bill of this character and will not oppose my motion for reference to Select Committee.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, the motion of Dr. Sanyal is for sending the Bill to Select Committee. I received the notice of this motion just this morning and all along I was under the impression that he wanted to introduce the Bill and nothing more. But all on a sudden, he has sent this motion at the last moment for sending the Bill to Select Committee. Our attitude is that as long as you ask for leave to introduce a motion, we do not object to it because we do not like to deprive the members of the House of the right to introduce a Bill but if after that any further motion is sought to be moved, then the Government has to consider it in all its aspects. Unfortunately, the notice Dr. Sanyal gave reached my hand only this morning and I was not in a position to go through it. If notice were given at proper time, I could have armed myself with all the facts and circumstances of the case, but I could not do so as I have had to go through ten other Bills——

Dr. NALINAKSHA SANYAL: In view of the circumstances stated, I do not mind postponing it till 8th December.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: What I say is this; neither myself nor any member of the Cabinet had time to read the Bill through. Now, if my friend is really anxious to see that his Bill is taken real notice of, then he must give us some time, and I also want to know how the country accepts his Bill, whether the country really wants a measure of the kind that he proposes. If the country accepts it, if from the volume of opinion that is received I find that there is unanimous demand from the people for a Bill of this nature, I will put it up before the Cabinet in a proper way and will see what can be done. But before I know actually how it is received by the country I am not prepared to do anything now. So I would rather ask my friend to agree to the circulation of the Bill till the 1st of June, 1940. Then in July session you will have every opportunity——

Dr. NALINAKSHA SANYAL: There will be no session in July.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: There may be a July session. In February-March session you cannot expect the Ministers to devote themselves to any other subjects except

budget discussions, but you can expect all these works to be done in a session when everyone has got sufficient time.

Mr. NALINAKSHA SANYAL: Let it be after the 31st March, that is after the budget is passed.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I do not know what my friends will do. I will ask my friends not to work after the 31st March and to finish all their work by then, and take rest. It will be in the interests of all. Under the circumstances I will ask the mover to wait till the 1st June, 1940.

The motion of the Hon'ble Nawab Musharruff Hossain, Khan Bahadur, that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st June, 1940, was then put and agreed to.

The Bengal Anti-Thumb Impression Bill, 1939.

Khan Bahadur MOHAMMED ALI: I beg to move for leave to introduce the Bengal Anti-Thumb Impression Bill, 1939.

Secretary then read the short title of the Bill.

Khan Bahadur MOHAMMED ALI: I also beg to move that the said Bill be taken into consideration.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by 31st January, 1940.

Again, Sir, I have had to move this amendment as we have not been able to go through the Bill in this short time. It may be a good measure and it may be a bad measure and no one can give an opinion on it unless and until one goes through it thoroughly. I think like the other Bill this Bill should also be circulated for getting the opinion of the country. If we find that the public opinion is in favour of the Bill, there will be no difficulty in passing it in good time. Therefore I would ask the Khan Bahadur to accept my amendment.

Khan Bahadur MOHAMMED ALI: In view of what the Hon'ble Nawab Musharruff Hossain has said I beg leave of the House to withdraw my motion and I accept his amendment.

The motion of Khan Bahadur Mohammed Ali that the Bengal Anti-Thumb Impression Bill, 1939, be taken into consideration was then by leave of the House withdrawn.

The motion of the Hon'ble Nawab Musharruff Hossain, Khan Bahadur, that the Bill be circulated for the purpose of eliciting opinion thereon by 31st January, 1940, was then put and agreed to.

The Bengal Marriage Dowry Prevention Bill, 1939.

Maulvi AFTAB HOSAIN JOARDAR: I beg to move for leave to introduce the Bengal Marriage Dowry Prevention Bill, 1939.

Secretary then read the short title of the Bill.

The Bengal Non-Agricultural Tenancy Bill, 1939.

Mr. SPEAKER: Mr. Kundu, your Bill will have to stand over under section 299(3) as sanction has not been received.

The Bengal Non-Agricultural Tenancy Bill, 1939.

Mr. SPEAKER: Mr Hakim, your Bill also will have to stand over for want of sanction under section 299(3).

The Legal Practitioners (Bengal Amendment) Bill, 1939.

Mr. MIRZA ABDUL HAFIZ: I beg to move for leave to introduce the Legal Practitioners (Bengal Amendment) Bill, 1939.

Secretary then read the short title of the Bill.

Mr. MIRZA ABDUL HAFIZ: I also beg to move that the said Bill be taken into consideration.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st December, 1940.

The motion of the Hon'ble Nawab Musharruff Hossain Khan Bahadur that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st December, 1940, was then put and agreed to.

The Bengal Non-Agricultural Tenancy Bill, 1939.

Mr. SPEAKER: Mr. Abdul Hakim Vikrampuri, I cannot take up your Bill under section 299(3) as sanction has not been received.

The Bengal Primary Education (Amendment) Bill, 1939.

Mr. SPEAKER: Mr. Hafiz, I cannot take up your Bill because it requires the previous recommendation of the Governor under section 82(*1*)(*c*) of the Government of India Act, 1935.

The Bengal Land Alienation Bill, 1939.

Mr. SPEAKER: Mr. Abdul Hakim Vikrampuri's Bill also cannot be taken up under section 299(*3*) as sanction has not been received.

The Bengal Prohibition Bill, 1939.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move for leave to introduce the Bengal Prohibition Bill, 1939.

The Secretary read the short title of the Bill

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that the Bengal Prohibition Bill, 1939, be circulated for the purpose of eliciting opinion thereon by the 29th February, 1940.

The motion was then put to the House and agreed to

The Bengal Village Self-Government (Amendment) Bill, 1939.

Maulvi MUHAMMAD ISRAIL: Sir, I beg leave to move to introduce the Bengal Village Self-Government (Amendment) Bill, 1939.

The Secretary read the short title of the Bill.

Maulvi MUHAMMAD ISRAIL: Sir, as the Hon'ble Minister in charge is absent, can the motion for reference to the Select Committee stand over?

Dr. NALINAKSHA SANYAL: Sir, notice regarding this Bill for Select Committee then lapses, because the hon'ble member even after having had the opportunity did not move the same. Under the new rules he will not get another chance.

Mr. SPEAKER: The only alternative is, if he wants to move, for somebody in the absence of Nawab Bahadur to move for circulation in his behalf.

Maulvi MUHAMMAD ISRAIL: Then, Sir, I further beg leave to move that the said Bill be referred to a Select Committee consisting of——

Mr. SPEAKER: I am sorry, you have not got the consent of any one of the members mentioned. So your motion does not arise.

Adjournment.

It being 7-13 p.m.—

The House then adjourned till 4-45 p.m. on Tuesday the 5th December, 1939, at the Assembly House, Calcutta.

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Attendance Register of Excise Vendors: (Q.) p. 88.

Punishment of Excise Vendors: (Q.) p. 43.

Representation of sub-jail clerks (Q.) p. 184.

Banerjee, Mr. Sibnath

Bengal Jute Regulation Bill, 1939: pp. 166-168.

Bengali publications proscribed and withdrawal of ban by Government. (Q.) p. 8.

Banerjee, Dr. Suresh Chandra

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Bengal Agricultural Debtors (Amendment) Bill, 1939: pp. 17-20.

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Bengal Cattle Bill, 1939: p. 211.

Bengal Court of Wards (Amendment) Bill, 1937: pp. 201-206.

Bengal Fisheries Bill, 1937: pp. 207-209.

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Biswas, Mr. Rasik Lal

Bengal Agricultural Debtors (Amendment) Bill, 1939: pp. 35-36, 37, 53.

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Over the Dakatia in Tippera: (Q.) p. 190.

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Insolvency of Mia Abdul Hafiz, M.L.A.: (Q.) p. 3.

Chaudhuri, Rai Harendra Nath

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Bengal Fisheries Bill, 1937: pp. 207-208.

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